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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

August 29, 2019

35GL-19-0991
Speaker Tina Rose Muña Barnes

SEP 0 6 2019
Time 2:04 ( )AM (X)PM
Received By: ACM

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

1. Guam Land Use Commission; Thursday, April 25, 2019; and,
2. Guam-Hybrid Land Use Commission; Thursday, April 25, 2019

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

Thank you.

Cristina

2019 SEP -6 PM 2:27

0991

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

File for Record is Instrument Number 939014

on the Year 20 19 Month 8 Day 27 Time 807

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Joel Cruz Jr.

JOEL ANTENORCRUZ

Above Space for Recorder's Use only

COPY

GUAM LAND USE COMMISSION MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, April 25, 2019
1:54 p.m. to 2:56 p.m.

GUAM LAND USE COMMISSION SPECIAL MEETING
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Thursday, April 25, 2019

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Joseph Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Ms. Celine Cruz, Acting Guam Chief Planner

Mr. Frank Taitano, Case Planner

GLUC-HYBRID LAND USE COMMISSION

Attendance Sheet

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

Date of Meeting: Thursday, April 25, 2019

Time of Meeting:

GLUC:	1:54 PM	-2:56pm
HYBRID:	2:58 PM	-5:40 pm

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

COMMISSION MEMBERS	SIGNATURE
Chairman Tae S. Oh	
Commissioner Conchita D. Bathan	
Commissioner Hardy T.I. Vy	
HYBRID COMMISSION: App No. 2018-40 Hanwha Energy Corp. [MCoG DLM 2019-04]	
Municipal Commissioner Doris Lujan	
Municipal Commissioner Vicente Taitague	
Municipal Commissioner Jesse Blas	Not Present
Municipal Commissioner Dale Alvarez	Not Present
HYBRID COMMISSION: App No. 2019-09 Pacific Unlimited [MCoG DLM 2019-05]	
Municipal Commissioner June Blas	
Municipal Commissioner Rudy Paco	
Municipal Commissioner Allan Ungacta	
Municipal Commissioner Melissa Savares	
HYBRID COMMISSION: App No. 2018-~~06~~ 08 Pacific Land Holdings [MCoG DLM 2019-06]	
Municipal Commissioner June Blas	
Municipal Commissioner Rudy Paco	
Municipal Commissioner Allan Ungacta	Absent
Municipal Commissioner ~~John Cruz~~ Melissa Savares	
Joseph M. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Celine L. Cruz, Acting Chief Planner	
Frank Taitano, Planner IV	Frank P. Taitano
Penmer Gulac, Planner IV	
M. Grace Vergara, Planner II	
M. Cristina Gutierrez, WPS II	

GUAM HYBRID 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, APRIL 25, 2019
[X]	HLUC	[ ]	Special	Time:	1:54 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:40 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.
Ian Flores	2018-40	483 4141
Michael Limtiaco	2019-09	688.6200
MICHAEL WARD	2018-18	478-8772
DAVID LEON GUERRERO	2018-18	11
Melinda Swavely	2019-17	687-9719
SWAVELY, TD	2000-12B / 2011-09B - Witness for Melinda	688-9029

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

GUAM HYBRID 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, APRIL 25, 2019

[X] HLUC [ ] Special Time: 1:54 pm

[✓] Quorum [ ] No Quorum Adjournment: 5:40 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
TOR GUDMUNDSEN	HANWHA SOLAR	647-0900
PYO KIYOUNG	HANWHA SOLAR	
Andrew Park	Pacific Energy Corp	486-5460
Kim Ju Hyung	HANWHA SOLAR	
Kim Sunwoon	"	
PARK SOOJIN	HANWHA SOLAR	
	- meeting focus -	

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

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, April 25, 2019 • 1:54 p.m. to 2:56 p.m.

I. Notation of Attendance

Chairman Oh called the regular meeting of the Guam Land Use Commission for Thursday, April 25, 2019 to order at 1:54 p.m., noting a quorum.

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

II. Approval of Minutes

Chairman Oh before the Commissioners is the Minutes from the last GLUC hearing of Thursday, March 28, 2019. Members have had an opportunity to review the Minutes; Chairman Oh was ready to entertain a motion.

Commissioner Bathan made a motion to approve the regular meeting Minutes of Thursday, March 28, 2019, subject to corrections of any minor edits to be forwarded to the Recording Secretary by close of business today.

Commissioner Vy seconds the motion.

Chairman Oh motion made by Commissioner Bathan, seconded by Commissioner Vy; noting no discussion, the motion was to put to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Oh], all opposed say "nay." **[Passed; 3 ayes, 0 nay]**

III. Old or Unfinished Business [None]

IV. New Business [None]

V. Administrative and Miscellaneous Matters

Conditional Use – Renewal

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

Frank Taitano (Case Planner) reads the staff report to include purpose, facts, and recommendation. [For full content/context, please refer to attached report]

[Attachment A – Staff Report dated April 15, 2019]

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

Chairman Oh it was noted in the staff report that there is no current food vendor services and no medical service provided due to the lack of workers.

Frank Taitano each unit has existing appliances so that workers have the capability of preparing their own meals.

Chairman Oh noting no further questions and/or discussion, Chairman Oh invited the applicant's representative to present the application; and for the record, please state your name for the record.

Dan Swavely represents Reliable Builders regarding the Reliable Village's Temporary Workers' housing facility. Mr. Swavely concurs with Mr. Taitano's staff report and agrees with the conditions of approval for the renewal of the conditional use permit. Because of the lapse of time between the submittal of this application and today's meeting, Mr. Swavely reported that there are now thirty (30) H-2 workers that are residing at the facility. The medical license has been updated and will be provided to the Case Planner in a few days. In addition, Mr. Swavely states that Reliable Builders, Inc. has been in full compliance for eight years as a fully compliant operational temporary workforce housing facility; and, they look forward to an approval for another year from this Commission.

Chairman Oh questions for the applicant's representative.

Commissioner Bathan the Department of Labor sets the fees for boarding and lodging which is deducted from the workers' pay, to include their meals. Commissioner Bathan inquired if the workers are being charged the boarding and lodging fees minus the cost of meals since the units are equipped with a kitchen.

Dan Swavely previous H-2 workers at the housing facility were unhappy with the food vending services that was provided and wanted to have the capability of preparing their own meals. That change was made about two or three years ago with fully functional kitchens in each unit and is working out well. They will continue to monitor this to determine how it will work out in the future. The company is interested in the health and quality of life of the workers while living in the facility.

Chairman Oh asked for confirmation if food service vendors is not an actual requirement for housing facilities.

Dan Swavely responded that it is not a requirement and more of a service that the company provides to the workers. The availability of a food vendor service was in the original TWFH application and it became a conditional of approval that it was included for the facility.

Chairman Oh for the record, the renewal request for the application was submitted to Land Management on February 13, 2019, and the Notice of Action was dated February 24, 2018.

Frank Taitano yes, that is correct and the request was submitted a few days prior to the expiration of the NOA.

Chairman Oh no additional questions noted from the Commissioners. Chairman Oh states that he does not foresee any issues with the request for a renewal. The Commission hopes that more temporary workers will be allowed to return to Guam.

This is a Conditional Use renewal and no public comment is needed. Noting no additional comments and/or questions for the applicant, Chairman Oh was ready to entertain a motion.

Commissioner Vy Mr. Chairman, I would like to make a motion to approve Application No. 2000-12B, the applicant Reliable Builders, Inc. for an annual renewal request for a previously approved Conditional Use permit for its temporary workforce housing facility, on Lot 5160-6-3, in the municipality of Tamuning, with the following condition that the applicant continues compliance to the conditions as specified on the Notice of Action dated October 14, 2011, under Document No. 828333.

Chairman Oh there's a motion on the floor made by Commissioner Vy, is there a second.

Commissioner Bathan I second the motion.

Chairman Oh seconded by Commissioner Bathan. Chairman Oh stated that the motion will need to be amended to include the expiration date.

[Discussion ensues on the expiration date]

Commissioner Bathan Mr. Chairman, I would like to amend the motion to make the annual renewal date effective one year from the date of recordation of the Notice of Action.

Chairman Oh there is a motion to amend the main motion, is there a second.

Commissioner Vy second.

Chairman Oh no discussion on the amended motion; all in favor of the amended motion say "aye" [Chairman Oh, Commissioner Vy, Commissioner Bathan], all opposed say "nay." **[Amended motion passed; 3 ayes, 0 nay]**

No additional discussion on the main motion noted, Chairman On put the main motion to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Vy, Commissioner Bathan], all opposed say "nay." **[Main motion passed; 3 ayes, 0 nay]**

Next item on the agenda –

Conditional Use – Renewal

B. Application No. 2011-09B, the Applicant, Fargo Pacific Inc. represented by Daniel D. Swavely; requests renewal of a previously approved Conditional Use permit for its temporary workforce housing facility, and requests a second, one-year Extension of Time for the construction of workforce housing facility, pursuant to E.O. 96-26, Section 5, on Lot 5161-1-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

Frank Taitano (Case Planner) reads the Commission Brief to include purpose, application summary, and recommendation. [For full content/context, refer to attached report]

[Attachment B – Commission Brief dated April 15, 2019]

Chairman Oh no questions noted for staff, Chairman Oh welcomed the applicant's representative and to provide the Commission with a brief presentation. Please state your name for the record.

Dan Swavely is before the Commission today on behalf of Fargo Pacific for their FPI Village temporary workers' housing facility. Mr. Swavely states that he agrees with the Case Planner's report and accepts the conditions of approval. They have had a bit of a slow start because of the H2 issue. Mr. Swavely explains that they are under permit at this time to build out Phase IA in anticipation of the 54 workers that will be here in June. Mr. Swavely also had a copy of the building permit, and has half of the agencies that have signed off on the permit and needs a few more signatures for the permit. The facility was designed by Andy Cristobal; and, they expect to have this process finished in the next couple of the weeks and will begin construction immediately. This will put them on schedule to finish renovations in time for June when they expect the first 54 H2 workers to arrive on Guam.

Chairman Oh [no questions noted from the Commissioners] Chairman Oh inquires how many workers are currently residing on site.

Dan Swavely zero.

Chairman Oh this is proposed in phases.

Dan Swavely yes, that is the reason for the phases, 216 workers each. The numbers were adjusted a bit as mentioned by Case Planner Taitano. Phase I was reduced to Phase A & B; 108/108 and doing Phase IA now for the first 54 workers.

Chairman Oh the application seems to be straight forward; and due to the delay of USCIS temporary H2B workers, Chairman Oh understands where the applicant is coming from. There was mention of 54 workers, has this been approved.

Dan Swavely yes, the first 54 workers for sure and are expected to arrive in June.

Chairman Oh noted that Commissioner Bathan stepped out of the meeting, and called for a 5 minutes recess.

[Commission recessed at 2:18 p.m. and Chairman Oh reconvened the meeting at 2:26 p.m.]

Chairman Oh briefed Commissioner Bathan on the discussion of the application. Discussion included the various phases for the facility; the approval of 54 H2B workers that will be arriving in June; and, the applicant presented a copy of the building permit which is in the process of obtaining signatures/approval from all the agencies. Chairman Oh requested for the record, a copy of the building permit that is currently being processed.

No additional comments and/or questions, Chairman Oh was ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to make a motion to approve the request for a second, one-year extension of time for the construction of the workforce housing facility pursuant to E.O. 96-26, Section 5, on Lot 5161-1-3 (Harmon), the Municipality of Tamuning for the applicant Fargo Pacific Inc., for a previously approved Conditional Use permit for the temporary workforce housing facility. The second extension of time will expire one year from the date of recordation of the Notice of Action.

Chairman Oh there is a motion on the floor –

Commissioner Vy second.

Chairman Oh seconded by Commissioner Vy. No discussion noted, Chairman Oh puts the motion to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Vy], all opposed say "nay." **[Motion passed; 3 ayes, 0 nay]**

Next item on the agenda –

Horizonal Property Regime

C. Application No. 2019-17, the Applicant, Lucky Development Co., Ltd. represented by Atty. Melinda Swavely; requests issuance of a Final Public Report for Sagan Kamia, a twenty-four (24) unit residential structure, on Lots 2282-20-R3NEW and 2282-20-3R/W, in the Municipality of Mangilao, in an "R-2" (Multi Family Dwelling) zone, HPR. 173.
Case Planner: Celine Cruz **[Company name corrected to Lucky Dragon Development Co., Ltd.]**

Celine Cruz (Case Planner) summarizes the staff report to include purpose, facts, application chronological facts, discussion, recommendation. [For full content/context, refer to attached report.]

[Attachment C – Staff Report dated April 15, 2019]

Chairman Oh questions for staff [none noted]. Chairman Oh opened the floor to the applicant's representative to provide a brief presentation. Please state your name for the record.

Melinda Swavely noted for the record that the correct name for the applicant is Lucky Dragon Development Co., Ltd., and representing the company for Sagan Kamia for the 24-unit condominium project.

- There are 24-units; and one unit located in Building A is slightly smaller (which is indicated in the HPR), due to a setback issue and had to be reduced at the corner so that the setbacks could be met. Types A & B are all in apartment A and apartment B are all the same size;
- The project began construction in 2007. The developer had issues with the contractor which resulted in a lawsuit. Although the construction started in 2007, the occupancy permit was not issued until March 2018;
- In the interim, there was a lawsuit and that is the reason for the mortgages. They settled the lawsuit and as part of the settlement, they had to Deed the units; one unit to the two individuals and the four units to Legend Stone who was the contractor for part of the project;
- The project was completed and now looking forward to be able to sell the units; and,
- The timing is good for the completion of the project because there is a need for housing stock on Guam, and believes that this could be affordable housing. Ms. Swavely was unsure on how much the units would be sold for, but it could possibly be in the range between $300K to $400K per unit.

Commissioner Bathan inquired if the units were occupied.

Melinda Swavely explained that they are not occupied; however, there is one unit that is occupied occasionally on a temporary basis for security reasons.

Commissioner Bathan noted for the record that the company name is Lucky Dragon Development; however, on Tab 3 in the HPR application it notes Lucky Development.

Melinda Swavely comments that she will review the Final Public Report and the HPR to ensure that the correct name of the company is noted throughout the entire document.

Chairman Oh going back to the issue of the encumbrances, it was mentioned that there was a lawsuit which has been settled. And some of the encumbrances requires that some of the units are deeded to certain individuals, based on the settlement.

Melinda Swavely that is correct. Attorney Swavely stated that she is not privy to the settlement, it was a confidential settlement and was in Court. However, she was advised that this was the number of units to be deeded.

[Discussion ensues on the encumbrances. Attorney Swavely also commended Acting Chief Planner Celine Cruz who assisted in ensuring that the application was expedited so that the company could meet the deadline for the settlement.]

Chairman Oh no additional questions and/or discussion from the Commissioners and Legal Counsel. Chairman Oh was ready to entertain a motion.

Allan Ungacta [Mayor of Mangilao] comments that this project is located in his municipality and started that *"it's intriguing to hear about what is going on back there."* (SIC) He wanted to go on record that when this development started at the initial stage, the developer did not improve the road; it is still a residential road. Mayor Ungacta added that he has placed several speed bumps on that road but is still an issue; the power and water is another issue in this area. The residents are concerned about the adequate water and power for the area within the vicinity of the project site.

Mayor Ungacta inquired if the developer has re-visited the infrastructure that is in the general area of the project and whether or not it will affect the surrounding neighbors. No improvements were made to the water lines and/or power. His concern is that no upgrade was made to the infrastructure to a predominately residential area, and once all units are occupied it will cause power problems for the neighbors. Mayor Ungacta requested that documents be provided to him regarding this application.

Chairman Oh asked Ms. Swavely if she was aware of the issues brought up by the Mayor.

Melinda Swavely replied that she is aware that a new waterline was installed during the construction phase. She is also aware that they are in compliance with the Fire Department code and requirements. The developer did obtain all required signatures and clearances from the permitting agencies for the building permit, and assumed that all the issues brought up by the Mayor have already been complied with.

[Discussion ensued]

Chairman Oh explained there was no previous Commission action for this application as it did not require any type of variances prior to the construction of the complex; and, it basically met all zoning requirements in an "R2" zone. And because the developer is seeking an HPR this is why they are before the Commission today. The Commission cannot control the issues on water and

power since it did not require GLUC action prior to construction. Chairman Oh asked Ms. Swavely to bring up the Mayor's issues to the owners of the development.

Melinda Swavely replied that she will bring this up with Lucky Dragon Development.

Chairman Oh any other comments. For the record, this is an application for a Horizontal Property Regime and not for a Variance. Chairman Oh wanted to ensure that there were no issues when it came to conditions to be met because there were no conditions placed on the HPR.

Frank Taitano added that the applicant has to go through a permitting process, and is required to obtain the appropriate approvals/signatures from the permitting agencies in order to proceed with the construction. In addition, Mr. Taitano stated that an occupancy permit can only be issued if all requirements have been met. Planning Staff is confident that the applicant has met all the requirements.

Chairman Oh the Commission has certain legal authority, but in situations such as this there are no conditions placed on the application. Inquired from Legal Counsel if it is within the Commission's authority to prevent an HPR approval prior to obtaining an occupancy permit.

Nick Toft states that he will have to look it up prior to giving Chairman Oh an answer.

[Chairman Oh called for a 5-minute recess so that Legal Counsel can look into this matter. Commission recessed at 2:45p.m. and reconvened at 2:50 p.m.]

Chairman Oh there were issues that was brought up by the Mayor of Mangilao; and, Legal Counsel Toft was asked to provide the Commission with guidance.

Nick Toft understands the concerns brought up by Mayor Ungacta; but in looking through Title 21 GCA Chapter 45 for the Horizontal Property Act, there is nothing that gives the Land Use Commission any additional authority, especially when there hasn't been any sort of variance or other zoning issues or something that would bring the issue within the ambient of the Land Use Commission's powers. It looks like this would be an issue that would best be dealt with possibly the Department of Public Works.

Chairman Oh the applicant should be a responsible and a good neighbor, and asked that Ms. Swavely speak with the owners to coordinate and discuss this further with the Mayor.

Melinda Swavely stated that she advised Mayor Ungacta that she will contact the President of the company to ensure that they (Lucky Dragon Development) contact Mayor Ungacta to discuss and address his concerns.

Chairman Oh noting no further discussion, Chairman Oh was ready to entertain a motion.

Commissioner Bathan Mr. Chair, I would like to make a motion to approve the issuance of a Final Public Report for Sagan Kamia, a 24-unit residential structure, on Lots 2282-20-R3NEW and 2282-20-3R/W, in the Municipality of Mangilao, in an "R2" multi-family dwelling zone, under HPR 173. The Final Public Report shall expire thirteen months or May 25, 2020.

Chairman Oh there is a motion on the floor by Commissioner Bathan; is there a second.

Commissioner Vy second.

Chairman Oh motion is seconded by Commissioner Vy. Noting no discussion, the motion is put to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan and Commissioner Vy], all opposed say "nay." **[Motion passed; 3 ayes, 0 nay]**

Before adjourning today's meeting, Chairman Oh announced that the Commission's longtime Chief Planner Marvin Aguilar, who has done a great job for the GLUC, will be retiring beginning of May, and wishes him the best of luck in his new endeavors. The Commission congratulates Celine Cruz who has been appointed Acting Chief Planner Planning Division.

Chairman Oh added that he and the Commissioners will support Ms. Cruz in anyway that they can, and is confident that Ms. Cruz will provide the same support to the Commission.

There being no further discussion, Chairman Oh was ready to entertain a motion to adjourn.

VI. Adjournment

Commissioner Vy motion to adjourn.

Commissioner Bathan second.

Chairman Oh all in favor of the motion to adjourn say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Vy]. **Motion passed.**

The regular meeting of the Guam Land Use Commission for Thursday, April 25, 2019 was adjourned at 2:56 p.m.

Approved by:

Tae S. Oh, Chairman
Guam Land Use Commission

Date approved: 8/8/2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

GUAM LAND USE COMMISSION

Chairman Tae S. Oh
Commissioner Conchita D. Bathan
Commissioner Hardy T.I. Vy

Commissioner [Vacant]
Commissioner [Vacant]

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

Regular Meeting
Thursday, April 25, 2019 @ 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 April 18th, 2019 and April 23rd, 2019]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, March 28, 2019

III. Old or Unfinished Business [None]

IV. New Business [None]

V. Administrative & Miscellaneous Matters

Conditional Use Renewal

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

B. Application No. 2011-09B, the Applicant, Fargo Pacific Inc. represented by Daniel D. Swavely; requests renewal of its previously approved Conditional Use permit for its temporary workforce housing facility, and requests a second, one-year Extension of Time for the construction of a workforce housing facility, pursuant to E.O. 96-26, Section 5, on Lot 5161-1-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

Horizontal Property Regime

C. Application No. 2019-17, the Applicant, Lucky Development Co., Ltd. represented by Atty. Melinda Swavely; requests issuance of a Final Public Report for Sagan Kamia, a twenty-four (24) unit residential structure, on Lots 2282-20-R3NEW and 2282-20-3R/W, in the Municipality of Mangilao, in an "R2" (Multi Family Dwelling) zone, HPR No. 173.
Case Planner: Celine Cruz

VI. Adjournment

ATTACHMENT A

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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671-649-5383

April 15, 2019

Memorandum

To: Chairman, Guam Land Use Commission

From: Acting Guam Chief Planner

Subject: **Staff Report – Fifth (5th) Annual Renewal Request- Application No. 2000-12B**

1. **PURPOSE:** The applicant, Reliable Builders, Inc., submits its Fifth (5th) 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 5th 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 and the Medical Plan which is temporarily suspended due to the absence of H-2B workers. Elements of the approved facility, persists to include the TWHF's house rules, 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 March 28, 2019, 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, on site gardening still exists, fire evacuation maps and new fire extinguishers are in place. In addition, the interior of the units, are updated with new beds and other appliances and according to Mark Jorge with Reliable Builders, the exterior and roof of the structures are to be cleaned and repainted.

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.

Celine L. Cruz

CASE PLANNER: F.P.TAITANO
Attachments: 10/13/11 & 2/8/18 Notice of Actions

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

File for Record is 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
[ ] Density
[ ] Setback
[ ] Use
[ ] Other (Specify)

___/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION 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. Delete

Marvin Q, Aguilar — 10-14-2011
Acting, Guam Chief Planner — Date

Jay L. Lather — 10-21-11
Chairman — Date
Guam Land Use Commission

Case Planner Frank P. Taitano
Attachment(s) ARC Distribution List
Cc: Building Permits Section, DPW (Attn. Mr. Jesus Ninete)

Doc. No. 35GL-19-0991.

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 10/26/11 — Daniel D Swavely — Signature of Representative — Date 10/26/2011

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

Applicant — Date — Daniel D Swavely — Representative — Date 10/28/11

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

File for Record is Instrument Number 918591

On the Year 20 18 Month 02 Day 24 Time 11:38

Recording Fee DE-OFFICIO 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*."**

ORIGINAL

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

February 9, 2018
Date

To: **Reliable Builders Inc.**
c/o Daniel D. Swavely
P.O. Box 7536
Tamuning, Guam 96931

Application No. 2000-12B

The Guam Land Use Commission, at its meeting on **February 8, 2018**.

XX Approved ____/ Disapproved ____/ Tabled

Your request on **Lot No. 5160-6-3, Harmon, Municipality of Tamuning for a:**

NOTICE OF ACTION
Reliable Builders, Inc.
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of February 8, 2018

Application No. 2000-12B

ZONING

___/ Zone Change***

__XX__/ **Conditional Use (Forth Annual Renewal Pursuant to Section 61309(c), Chapter 61, Title 21, GCA)**

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

SUBDIVISION

___/ Tentative Subdivision

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The applicant, Reliable Builders, Inc., Pursuant to Section 61309(c), Chapter 61, Title 21 GCA, 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.

COMMISSION DECISION: The Guam Land Use Commission accepts the applicant's Forth (4th) 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 **Guam Chief Planner**	2/14/2018 **Date**	**John Z. Arroyo** **Chairman** **Guam Land Use Commission**	2/22/2018 **Date**

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW

Application No. 2000-12B

CERTIFICATION OF UNDERSTANDING

I/We_____ / 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 2/24/2018
Signature of Representative Date

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

_____ _____
Applicant Date

Daniel D Swavely 26 FEB 2018
Representative Date

DEPARTMENT OF LAND MANAGEMENT
LAND PLANNING DIVISION
SITE INSPECTION REPORT - FIELD WORK

Planner/Staff: Frank Taitano	Date of Request: March 21, 2019
Date of Inspection: March 28, 2019	Time of Inspection: 9:30-10:00 AM
Project Name: Reliable Builders TWHF	
Lot Number: 5160-6-3, Harmon	Municipality: Tamuning

Description: Annual Renewal Site Inspection

Type of Inspection: [ ] Occupancy [ ] Site [ ] Other

Contact Person: Mark Jorge	Phone: 646-1516 office 788-7397

Findings: Facility Clean Basketball / Volleyball, landscaping and on site gardening still exist. 42 workers units upgraded with new Metal frame beds, Ref. other appliances, Bathroom clean, New Fire extinguishers & Fire evacuation Plan, Co. preparing to clean/paint aft. Roof Social pavilion & bbq pits still exist, & no dogs.

OCCUPANCY INPECTION ONLY: [ ] **IN COMPLIANCE**

[ ] **NOT IN COMPLIANCE**

ATTENTION: All inspection must be approved three (3) days in Advance by Guåhan Chief Planner.

Applicant: Reliable Builders Inc

Approved [ ]

Case Planner

Guåhan Chief Planner

Revised: March 2010

ATTACHMENT B

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting 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

April 15, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Commission Brief – Request for Extension and Renewal - Application No. 2011-09B

1. **PURPOSE:** The applicant, Fargo Pacific, Inc. (FPI) represented by Mr. Daniel D. Swavely submits its request for a second one (1) year extension pursuant to Section 5 of Executive Order 96-26, and its' first annual renewal pursuant to Condition Number Three of its Conditional Use Permit approval for the construction of its Temporary Workforce Housing Facility (TWHF) on Lot No. 5161-1-3, Harmon, Municipality of Tamuning.

2. **LEGAL AUTHORITY:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Section 61303 (Conditional Use); Section 61309(c)(i); E.O. 96-26 and as a general condition on its Notice of Action, recorded under Document No. 903685.

3. **APPLICATION SUMMARY:**

As conditionally approved by the Commission on February 9, 2017, the proposed Housing Facilities is to be constructed in three phases and as shown on the attached site plans, the phases depicts the following;

Phase one is to include a single, three story, workers dormitory structure (Building A), access road, staff & guest, bus and delivery truck parking areas, basketball courts, a BBQ & picnic area, a future expansion site, a security office structure, the two existing warehouse structures, a trash bin storage pad and a new trench drain for storm water disposal and a chain-linked perimeter fence with the entrance/exit gate relocated to J.L. Baker Street from the present Harmon Industrial Park Road location.

Phase two is the addition of a second, three story workers dormitory structure (Building B).

Phase three is for the elimination of the two existing warehouse buildings and the addition of a third, three story workers dormitory structure (Building C), a volleyball court and a single story internet cafe and fitness center structure.
Each of the proposed dormitory structure are symmetrical in design to accommodate a total of 216 workers with the first floor containing a kitchen, cafeteria seating room, a small theater/function room, a game room, a library, a lounge, a custodians' office, a clinic, storage rooms and rest rooms for both male and female. The second and third floors are to contain the workers' bedrooms, a bathroom, a laundry room and a lounge area.

On April 12, 2018 the Guam Land Use Commission approved a one-year extension in response to the applicants' first extension request pursuant to Section 5 of Executive Order 06-26.

On January 29, 2019 the Guam Chief Planner approved (letter attached) the applicant's January 15, 2019 request for a minor revision to the TWHF's build-out phasing plan so as to better accommodate the updated approval of 54 H-2B workers with the following difference of the build-out phasing plan of the attached approved and requested site plans.

1. The Original GLUC-approved site plan depicted (Phase 1) Building A ® 216 occupants, (Phase 2) Building B ® 216 occupants, and (Phase 3) Building C ® 216 occupants, along with various recreation, security and traffic management improvements.

2. The JANAURY 2019 requested revision site plan also depicts three build-out phases ® 216 occupants each; however, the new Phase I is divided into Phase IA and Phase 1B.

3. Phase 1A and Phase 1B will total 216 occupants as Phase IA ® 54 to 108 occupants and Phase 1B @ 108 to 162 occupants. The continued uncertainty of USCIS approval for H-2B workers requires Fargo Pacific, Inc. to retain this flexibility in TWHF accommodations in order to efficiently serve the 54 approved workers and still be prepared to quickly accommodate additional workers, should they be approved in the near future.

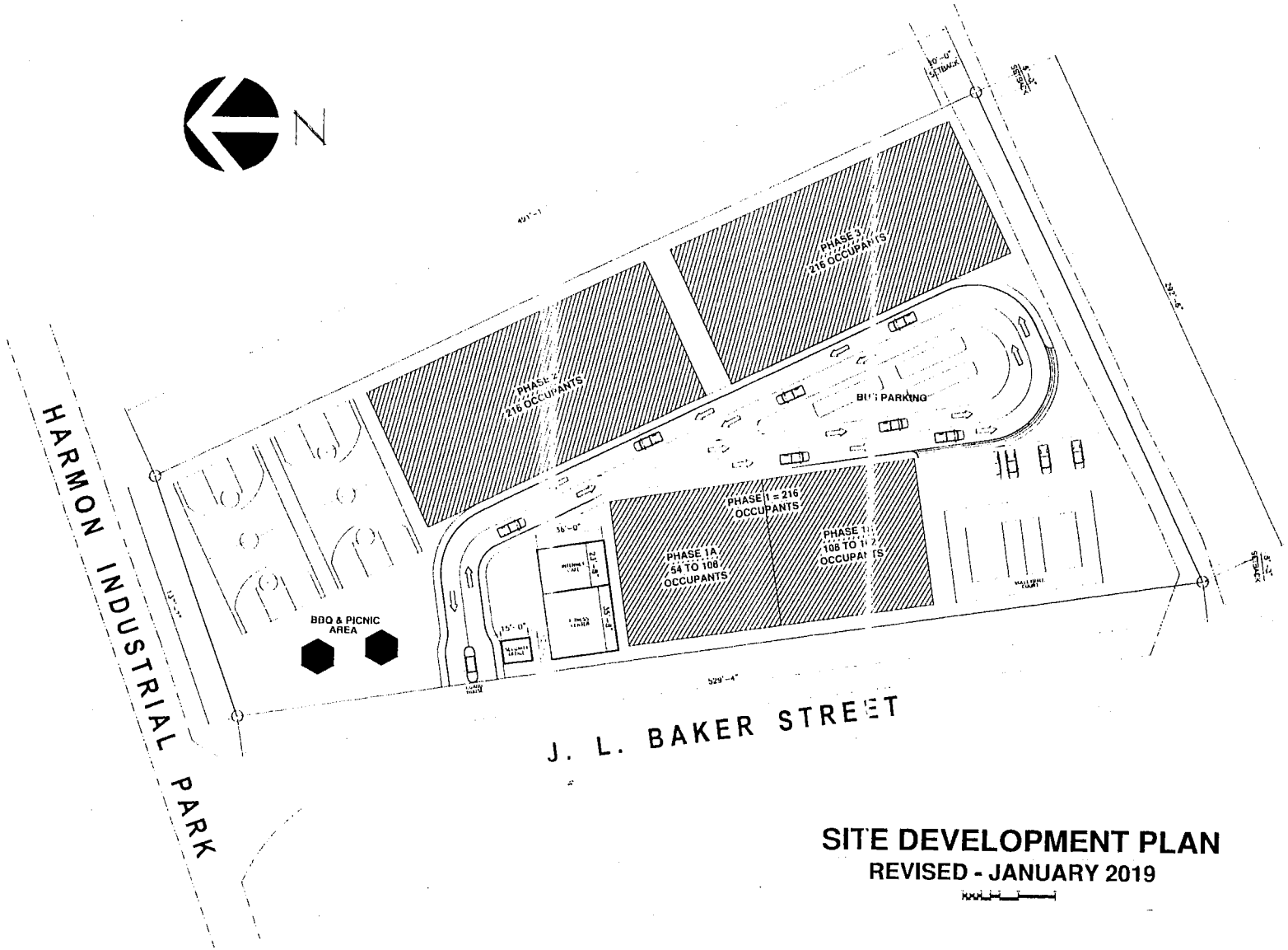
4. The various recreation, security and traffic management improvements in the Original GLUC-approved site plan are all included in the JANUARY 2019 site plan; however, some are relocated, yet still adjacent to the dormitories and on Lot No. 5161-1-3.

We have reviewed the applicants request and in line with our finding, that the elements of the TWHF as approved by the Commission on February 9, 2017, are still intact. We support the applicants' reason for the delay of the construction of its Temporary Workforce Housing Facility and submit its' extension and renewal request to the Commission for its action.

Celine L. Cruz

Attachments: (1) January 29, 2019 Chief Planner's Letter
(2) Original Site Plan
(3) January 2019 Revised Site Plan
(4) February 9, 2017, NOA
(5) April 12, 2018, NOA

Case Planner: Frank Taitano



SITE DEVELOPMENT PLAN

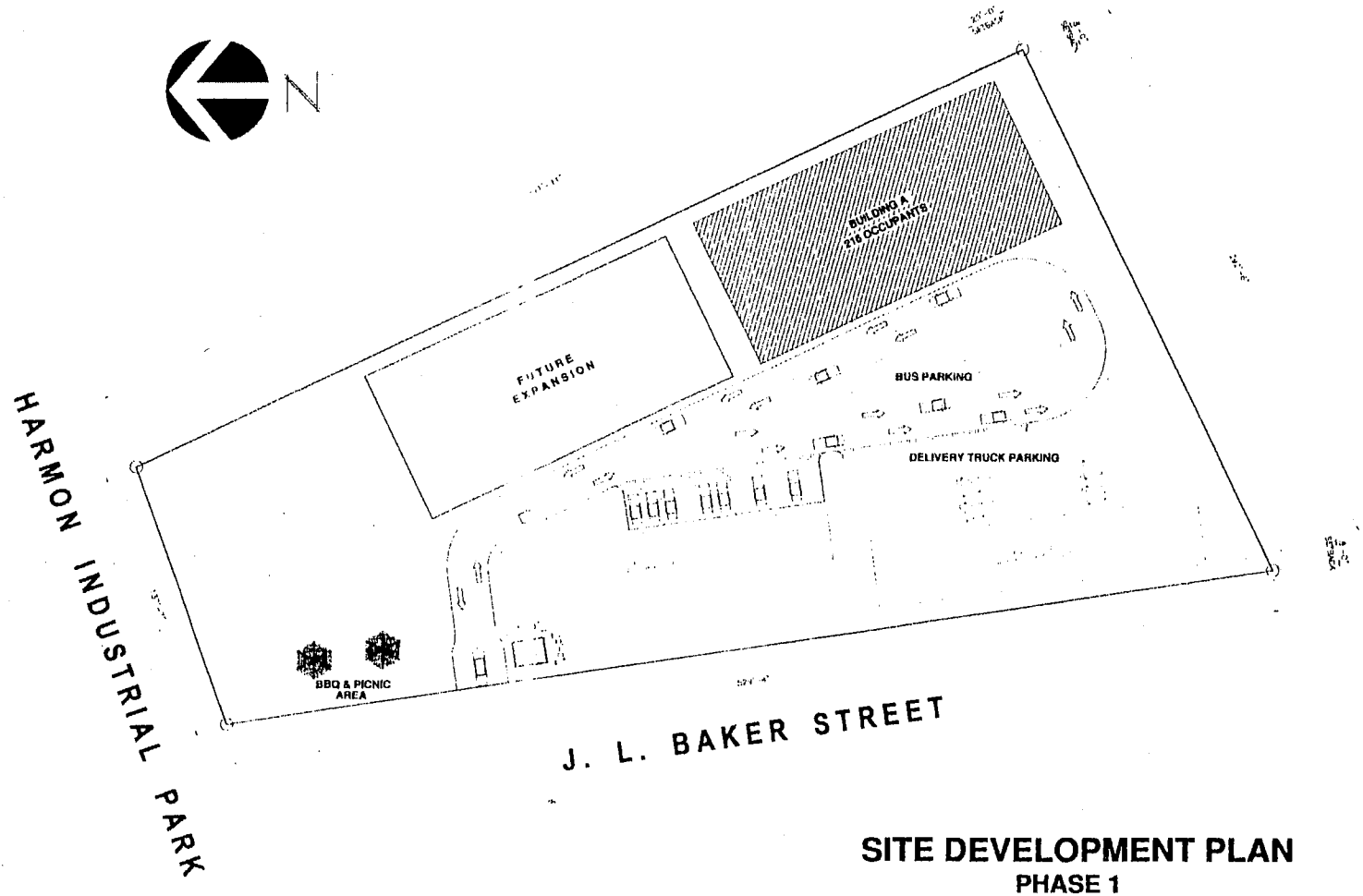
REVISED - JANUARY 2019

PROJECT TITLE:

FPI VILLAGE
LOT 5161-1-3, HARMON INDUSTRIAL PARK
FARGO PACIFIC INC. - TEMPORARY WORKERS

REV. NO.	REVISION DESCRIPTION	DATE

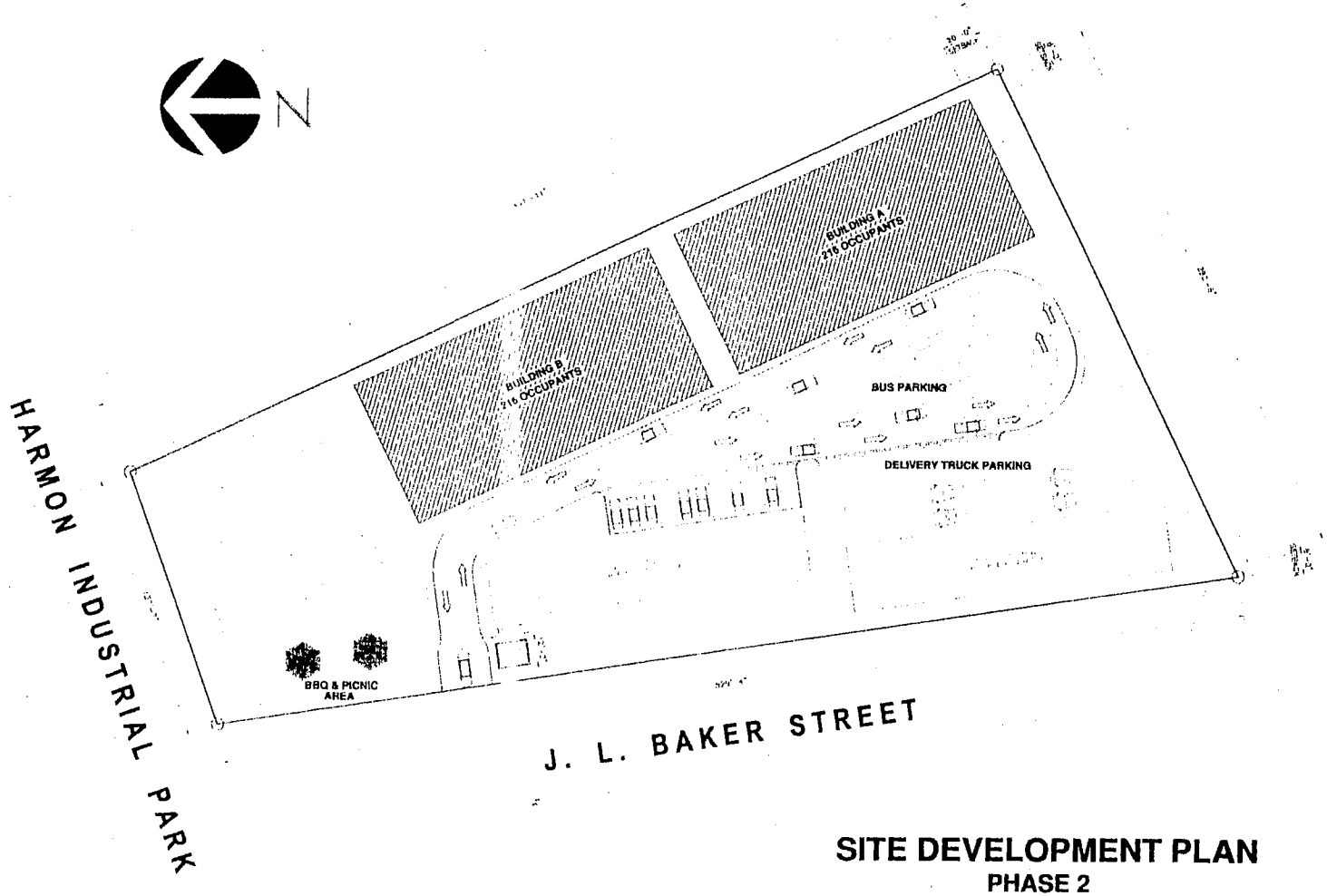
PROJECT NO.:	DESIGNED:	DWG NO.
WR NO.	CADD: RMVJR	A-1
DATE:	CHECKED:	SHT. NO. OF



SITE DEVELOPMENT PLAN

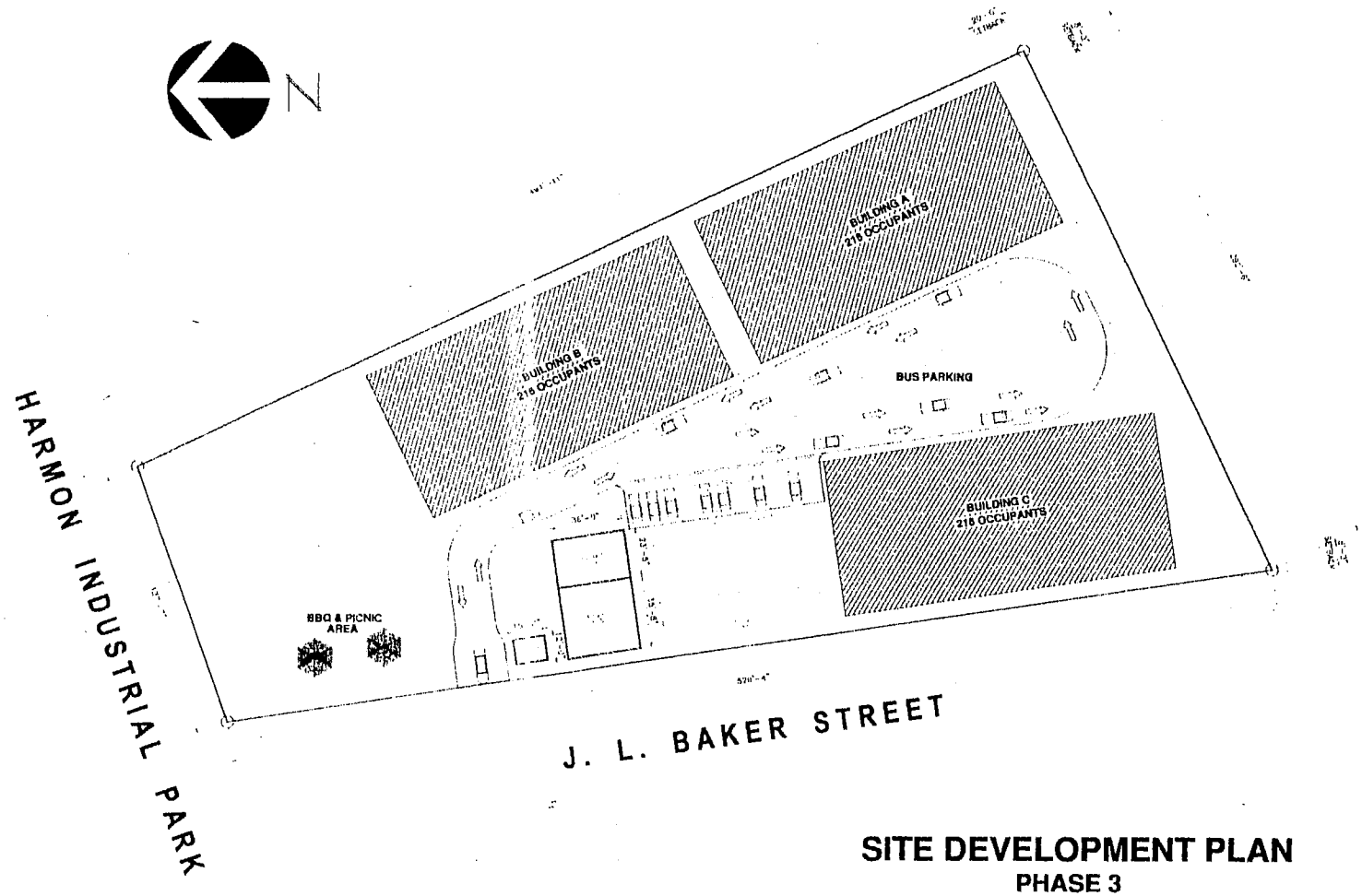
PHASE 1

PROJECT TITLE: FPI VILLAGE LOT 5161-1-3, HARMON INDUSTRIAL PARK FARGO PACIFIC INC. - TEMPORARY WORKERS HOUSING FACILITY	SHEET CONTENT: SITE DEVELOPMENT PLAN (PHASE 1)	REV. NO.	REVISION DESCRIPTION	DATE	PROJECT NO.: WR NO. DATE:	DESIGNED. CADD: RMVR CHECKED.	DWG NO. A-1 SHT. NO. OF



SITE DEVELOPMENT PLAN
PHASE 2

PROJECT TITLE:	SHEET CONTENT:	REV. NO.	REVISION DESCRIPTION	DATE	PROJECT NO.:	DESIGNED:	DWG NO.
FPI VILLAGE LOT 5161-1-3, HARMON INDUSTRIAL PARK FARGO PACIFIC INC. - TEMPORARY WORKERS HOUSING FACILITY	SITE DEVELOPMENT PLAN (PHASE 2)				W/R NO.	CADD: RMVJR	A-2
					DATE:	CHECKED:	SHT. NO. OF



SITE DEVELOPMENT PLAN
PHASE 3

PROJECT TITLE:	SHEET CONTENT:	REV. NO.	REVISION DESCRIPTION	DATE	PROJECT NO.:	DESIGNED:	DWG NO.
FPI VILLAGE LOT 5161-1-3, HARMON INDUSTRIAL PARK FARGO PACIFIC INC. - TEMPORARY WORKERS HOUSING FACILITY	SITE DEVELOPMENT PLAN (PHASE 3)				W/R NO	CADD. RMVJR	A-3
					DATE:	CHECKED:	SHT. NO OF

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

File for Record is Instrument No. 903685

On the Year 17 Month 02 Day 28 Time 8:38

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder _____

MAY M. CASTRO

(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

ORIGINAL

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

NOTICE OF ACTION

February 10, 2017
Date

To: **Fargo Pacific Inc.**
Represented Daniel D. Swavely
P.O. Box 2494
Agana, Guam 96932

Application No. 2011- 09B

The Guam Land Use Commission, at its meeting on **February 9, 2017**.

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

____/ Tabled

Your request on **Lot No. 5161-1-3, Harmon, Municipality of Tamuning for a:**

NOTICE OF ACTION **Application No. 2011-09B**
Fargo Pacific Inc.
Represented by Daniel D. Swavely
Lot No. 5161-1-3 , Harmon, Municipality of Tamuning
GLUC Meeting of February 9, 2017

ZONING

___/ Zone Change***

XX/ Conditional Use

___/ Zone Variance

[ ] Height [ ] Use
[ ] Density [ ] Other (Specify)
[ ] Setback

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. 2011-09B**
Fargo Pacific, Inc.
Represented by Daniel D. Swavely
Lot No. 5161-1-3, Harmon, Municipality of Tamuning
GLUC Meeting of February 9, 2017

APPLICATION DESCRIPTION: The applicant, Fargo Pacific, Inc., represented by Mr. Daniel D. Swavely is requesting approval of their Conditional Use request for a Temporary Workforce Housing Facility (TWHF) on Lot 5161-1-3, 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,

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 when actual operations begin and as 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.

Marvin Q. Aguilar
Guam Chief Planner

2-20-2017
Date

John Z. Arroyo
Chairman
Guam Land Use Commission

2/20/2017
Date

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW

NOTICE OF ACTION **Application No. 2011-09B**
Fargo Pacific, Inc.
Represented by Daniel D. Swavely
Lot 5161-1-3, Harmon, Municipality of Tamuning
GLUC Meeting of February 9, 2017

CERTIFICATION OF UNDERSTANDING

I/We_____ / 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.

_____ _____ Daniel D Swavely 2/27/2017
Signature of Applicant Date Signature of Representative Date

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

_____ _____ Daniel D Swavely 3/08/2017
Applicant **Date** **Representative** **Date**

920927

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

File for Record is Instrument Number 920927

On the Year 2018 Month 04 Day 24 Time 4:00

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane 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

ORIGINAL

NOTICE OF ACTION

April 13, 2018
Date

To: **Fargo Pacific Inc.**
Represented Daniel D. Swavely
P.O. Box 2494
Agana, Guam 96932

Application No. 2011-09B

The Guam Land Use Commission, at its meeting on **April 12, 2018**.

XX/ Approved ____/ Disapproved ____/ Approved with Conditions

____/ Tabled

Your request on **Lot No. 5161-1-3, Harmon, Municipality of Tamuning for a:**

920927

NOTICE OF ACTION **Application No. 2011-09B**
Fargo Pacific Inc.
Represented by Daniel D. Swavely
Lot No. 5161-1-3, Harmon, Municipality of Tamuning
GLUC Meeting of April 12, 2018

ZONING

___/ Zone Change***

XX/ Conditional Use - (Request for a one year extension of approved Conditional Use for TWHF pursuant to Section 5 of Executive Order 96-26)

___/ Zone Variance

___/ 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 **Application No. 2011-09B**
Fargo Pacific Inc.
Represented by Daniel D. Swavely
Lot No. 5161-1-3, Harmon, Municipality of Tamuning
GLUC Meeting of April 12, 2018

APPLICATION DESCRIPTION:
Pursuant to Section 5 of Executive Order 96-26, the applicant, Fargo Pacific, Inc. (FPI) represented by Mr. Daniel D. Swavely submits its request for a one (1) year extension of its Conditional Use Permit approval for the construction of its Temporary Workforce Housing Facility on Lot 5161-1-3, Harmon, Municipality of Tamuning.

COMMISSION DECISION:
The Guam Land Use Commission **Approved** the applicants request for a one (1) year extension.

Marvin Q. Aguilar 4/13/2018
Guam Chief Planner **Date**

John Z. Arroyo 4/24/18
Chairman **Date**
Guam Land Use Commission

Case Planner: Frank Taitano
Cc: Building Permits Section, DPW

920927

NOTICE OF ACTION **Application No. 2011-09B**
Fargo Pacific Inc.
Represented by Daniel D. Swavely
Lot No. 5161-1-3 , Harmon, Municipality of Tamuning
GLUC Meeting of April 12, 2018

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 4/24/2018
Signature of Applicant Date Signature of Representative Date

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

_____ _____ _____ _____
Applicant **Date** **Representative** **Date**

ATTACHMENT C

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting 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

April 15, 2019

Memorandum

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2019-17 – Request for Issuance of Final Public Report

RE: Sagan Kamia – Registration Number 173

1. PURPOSE:

A. Application Summary: The applicant, Lucky Dragon Development Co., LTD., represented by Melinda Swavely, Esquire, is requesting issuance of a Public Report for a condominium project to be known as "Sagan Kamia." Said project consists of twenty-four apartment units within (2) buildings, each having 2-stories, containing a total of Twenty-four (24) Residential Condominium Units, with common elements in an "R-2" Multi Family Dwelling Zone, Municipality of Mangilao.

B. Legal Authority: Title 21, GCA (Real Property), Chapter 45 (Horizontal Property Act)

2. FACTS:

A. Location: "Sagan Kamia" is located approximately 1,000 feet the junction of Route 15 and Dimas Street in Mangilao.

B. Lot Area: Lot 2282-20-R3NEW, Mangilao – 6,073 ± square meters
Lot 2282-20-3R/W, Mangilao – 344 ± square meters

C. Present Zoning: "R-2" (Multi Family Dwelling) Zone

D. Sewer Status: With sewer.

3. APPLICATION CHRONOLOGICAL FACTS:

A. Previous Commission Actions: None.

B. Date Application Accepted: April 3, 2019

C. Date Heard by ARC: Not applicable.

D. Public Hearing Results: Not applicable.

4. DISCUSSION:

The project consists of two (2) apartment buildings with a total of twenty-four (24) apartment units. The apartment buildings are two (2) storey with an attic, with each storey having two (2) levels.

OFFERINGS

A. Apartment Description: There are there types of apartments, Type A, Type B and Type C.

Type A: Type A apartments are located in Building A, each having have three (3) bedrooms, two and one-half (2 ½) bathrooms, kitchen, living room/dining room area, storage area, hallways, laundry area, water heater and water softener area, attic, balcony, and a two car garage for a total of 2,635 square feet, inclusive of the floor area of the balcony of 300 square feet, and garage of 351 square feet.

Type B: Type B apartment is located in Building A, having three (3) bedrooms, two and one-half (2 ½) bathrooms, kitchen, living room/dining room area, storage area, hallways, laundry area, water heater and water softener area, attic, balcony, and a two car garage for a total of 2,635 square feet, inclusive of the floor area of the balcony of 296 square feet, and garage of 351 square feet.

Type C: Type C apartments are located in Building B, each have three (3) bedrooms, two and one-half (2 ½) bathrooms, kitchen, living room/dining room area, laundry area, storage area containing the water heater and water softener, hallways, attic, air conditioning equipment pad, and a two (2) car garage for a total of 2,502 square feet, inclusive of the floor area of the air conditioning equipment pad of 120 square feet, and garage of 353 square feet.

B. Common Elements: The common elements shall include all portions of the project other than the apartment, and shall include, but not be limited to:

a. The land in fee simple.

b. Building elements such as all foundations, floor slabs, roofs, and all load bearing floors, walls, columns and beams of the building, but excluding the interior decorated or finished surfaces of all such load-bearing floors, walls, columns and beams, ceilings and floors within the perimeter walls of an individual Unit.

c. Grounds and facilities.

d. Parking. The Common Element parking facilities consisting of nine (9) parking stalls to be used by tenants, guests and invitees.

e. Fixtures. All pipes, cabinets, conduits, ducts, flues, chutes, wiring, equipment, and other central and appurtenant installations over, under, and in the project, which serve more than one (1) apartment unit for services such as including

conveyance, power, light, water, sewer, telephone and television signal transmission, if any.

f. All articles of personal property of the property necessary or convenient to its existence, maintenance, safety, or normally in common use and

g. All other part of the

h. All other common elements as defined in the master Declaration and which are governed and subject to the Master Declaration.

C. <u>Encumbrances against land and building:</u>

As to Lot 2282-20-R3NEW, Mangilao, Guam, Suburban: 1) Grant of easements and rights of way in perpetuity, granted to Government of Guam over and across the property for the purpose, at any time, of maintaining, repairing, and operating sewage, drainage, and utility lines of any nature whatsoever existing contained in the Warranty Deed, dated July 27, 1955 and recorded on October 28, 1955 under Instrument No. 30144 at Land Management; 2) Grant of Easement, granted to the Government of Guam, dated June 16, 1964 and recorded on June 23, 1964 under Instrument No. 55683 at Land Management; 3) Grant of Right-of-Way for the Erection and Maintenance of Power Lines, Poles, Wire, Cables and Underground Conduits, granted to Guam Power Authority, for a strip of land extending partially across Lot 2282-20-R3NEW, dated April 6, 2009 and recorded on April 9, 2009 under Instrument No. 788596 at Land Management; 4) Consolidation Survey Map of Lots 2282-20-R3 & 2282-21-3 into Lot 2282-20-R3NEW and Lots 2282-21-R3, 2282-20-1 & 2282-20-2 into Lot 2282-21-R3NEW, as shown on Drawing Number DBCAI-S-08-26, as L.M. Check Number 004 FY 2009, dated March 12, 2009 and recorded on March 16, 2009 under Instrument No. 787509 at Land Management; 5) Mortgage (Second) dated November 17, 2015 and recorded on March 17, 2016 under Instrument No. 890121 at the Department of Land Management, executed by Lucky Dragon Development Co., Ltd., Mortgagor, to Yangming Ou and Hongfei Bai, Mortgagee, which states that it secures a debt in the principal sum of $232,000.00, as subordinated to Legend Stone Corp. Ltd., by that Subordination Agreement, executed by Yangming Ou and Hong Fei Bai, dated May 9, 2016 and recorded on June 15, 2016 under Instrument No. 893753 at Land Management; 6) Mortgage dated June 15, 2016 and recorded on June 15,2016 under Instrument No. 893752 at Land Management, executed by Lucky Dragon Development Co, Ltd., Mortgagor, to Legend Stone Corp., Ltd., Mortgagee, which states that it secures a debt in the principal sum of $1,050,926.00; 7) any liens, easements and encroachments of record; and 8) real property taxes not yet due and owing.

Upon issuance of the Final Public Report, Developer will deed one (1) condominium unit to Yangming Ou (66.4%) and Hongfei Bai (33.6%) to satisfy and release the above-referenced mortgage recorded under Instrument Number 893753 and will deed four (4) condominium units to Legend Stone Corp. Ltd. to satisfy and release the above-referenced mortgage recorded under Instrument Number 893752.

As to Lot 2282-20-3R/W (Public Access & Utilities Right of Way) Mangilao, Guam, Suburban: 1) Edge existing A.C. road pavement and telephone cable pedestal

box, as disclosed by that Re-Subdivision Survey Map of Lots 2282-20 and 2282-21-R2, as shown on Drawing Number DBCAI-S-08-26, as L.M. Check Number 004 FY 2009, dated March 12, 2009 and recorded on March 16, 2009 under Instrument Number 787509 at Land Management; 2) Grant of Easement, granted to the Government of Guam, dated May 9, 1962 and recorded on May 11, 1962 under Instrument No. 45403 at Land Management; 3) Grant of Easement, granted to the Government of Guam, dated May 11, 1962 and recorded on May 16, 1962 under Instrument No. 45451 at Land Management; 4) Grant of Easement, granted to the Government of Guam, dated June 16, 1964 and recorded on June 23, 1964 under Instrument No. 55683 at Land Management; 5) Grant of Perpetual Easement, granted to the Jesus C. Cruz and Rosa D. Cruz, dated December 21, 1966 and recorded on December 27, 1966 under Instrument No. 78901 at Land Management; 6) Reservation of easements and rights-of way, as contained in that Deed of Conveyance, dated March 8, 1974 and recorded on March 14, 1974 under Instrument No. 234072 at Land Management; 7) Declaration of Easement and Access, executed by Chang Sheng Wang, dated October 8, 2008 and recorded on March 16, 2009 under Instrument No. 787521 at Land Management, as amended by that Amendment Declaration of Easement and Access (in Reference to Document No. 787521), dated April 8, 2009 and recorded on April 9, 2009 under Instrument No. 788601 at Land Management; 8) reservation in its entirety as a public access and utility easement to the Government of Guam; 9) any liens, easements and encroachments of record; and 10) real property taxes not yet due and owing.

D. <u>Required Documents Submitted:</u>

1. Notice of Intention & Questionnaire Form
2. A copy of Master Deed and Recording Data
3. A copy of the Declaration
4. By-Laws of the Association of Apartment Owners
5. Condominium Plans and Property Map
6. Copy of corporate papers (Article of Incorporation and By-Laws and Affidavit of Officers)
7. Executed Escrow Agreement
8. Copies of Reservation Agreement, contract of Sale or Agreement of Sale and the Apartment Deed or Apartment Lease to be used to covey property to purchaser
9. Specimen Condominium Deposit Receipt and Purchase Agreement
10. Specimen Apartment Unit Deed, Form of Receipt for Final Public Reports
11. Statement of financing the "Project"
12. Statement of all costs involved in completing the project (such as land payments, construction costs, engineering, attorneys' fees)
13. Copy of Proposed House Rules

It is our position, based on the submitted documents, we find the material facts has been presented and considered adequate for any prospective purchaser to consider; and that adequate protection for purchaser's funds has been provided.

5. **STAFF RECOMMENDATION:** Recommend issuance of a Final Public Report. This Project shall be registered as Registration No. 173, known as "Sagan Kamia" and said Final Public Report shall expire in thirteen months, or May 25, 2020.

Celine Cruz
Acting Chief Planner

Case Planner: Celine Cruz

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

939015

File for Record is Instrument Number _____

on the Year 20 19 Month 8 Day 27 Time 812

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Joel Cruz

JOEL ANTENORCRUZ

Above Space for Recorder's Use only

COPY

GUAM-HYBRID LAND USE COMMISSION MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, April 25, 2019
2:58 p.m. to 5:40 p.m.

GUAM-HYBRID LAND USE COMMISSION REGULAR MEETING
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, Guam
Thursday, April 25, 2019

GLUC MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman
Ms. Conchita D. Bathan, Commissioner
Mr. Hardy I.T. Vy, Commissioner

HYBRID MEMBERS PRESENT [MCoG DLM 2019-04, Application No. 2018-40]
Mayor Doris Lujan, Inarajan
Mayor Vicente Taitague, Talofofo

HYBRID MEMBERS PRESENT [MCoG DLM 2019-05, Application No. 2019-09]
Mayor June Blas, Barrigada
Mayor Melissa Savarres, Dededo
Mayor Rudy Paco, Mongmong-Toto-Maite

HYBRID MEMBERS PRESENT [MCoG DLM 2019-06, Application No. 2018-28]
Mayor June Blas, Barrigada
Mayor Melissa Savares, Dededo
Mayor Rudy Paco, Mongmong-Toto-Maite

STAFF PRESENT:
Mr. Joseph Borja, Executive Secretary
Mr. Nicolas Toft, Legal Counsel
Ms. Celine Cruz, Acting Guam Chief Planner
Mr. Frank Taitano, Case Planner
Ms. Cristina Gutierrez, Recording Secretary

GLUC-HYBRID LAND USE COMMISSION
Attendance Sheet

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

Date of Meeting: Thursday, April 25, 2019

Time of Meeting:

GLUC:	1:54 PM	-2:56pm
HYBRID:	2:58 PM	-5:40 pm

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

COMMISSION MEMBERS	SIGNATURE
Chairman Tae S. Oh	
Commissioner Conchita D. Bathan	
Commissioner Hardy T.I. Vy	

HYBRID COMMISSION: App No. 2018-40 Hanwha Energy Corp. [MCoG DLM 2019-04]

Municipal Commissioner Doris Lujan	
Municipal Commissioner Vicente Taitague	
Municipal Commissioner Jesse Blas	not Present
Municipal Commissioner Dale Alvarez	not Present

HYBRID COMMISSION: App No. 2019-09 Pacific Unlimited [MCoG DLM 2019-05]

Municipal Commissioner June Blas	
Municipal Commissioner Rudy Paco	
Municipal Commissioner Allan Ungacta	
Municipal Commissioner Melissa Savares	

HYBRID COMMISSION: App No. 2018-~~06~~ 2808 Pacific Land Holdings [MCoG DLM 2019-06]

Municipal Commissioner June Blas	
Municipal Commissioner Rudy Paco	
Municipal Commissioner Allan Ungacta	Absent
Municipal Commissioner ~~John Cruz~~ Melissa Savares	
Joseph M. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Celine L. Cruz, Acting Chief Planner	
Frank Taitano, Planner IV	Frank P. Taitano
Penmer Gulac, Planner IV	
M. Grace Vergara, Planner II	
M. Cristina Gutierrez, WPS II	

GUAM HYBRID 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, APRIL 25, 2019
[X]	HLUC	[ ]	Special	Time:	1:54 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:40 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.
Ian Flores	2018-40	483 4141
Michael Limtiaco	2019-09	688.6260
MICHAEL MAKIO	2018-18	478-8772
DAVID LEON GUERRERO	2018-18	11
Melinda Swavely	2019-17	687-9719
SWAVELY, TD	2000-12B / 2011-09B - Nothing further —	688-9029

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

GUAM HYBRID 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, APRIL 25, 2019
[X]	HLUC	[ ]	Special	Time:	1:54 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:40 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
TOR GUDMUNDSEN	HANWHA SOLAR	647-0909
PYO KIYOUNG	HANWHA SOLAR	
Andrew Park	Pacific Energy Corp	486-5460
Kim Ju Hyung	HANWHA SOLAR	
Kim Sunwon	"	
PARK SOOJIN	HANWHA SOLAR	
	- working process -	

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

GUAM-HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, April 25, 2019 • 2:58 p.m. to 5:40 p.m.

I. Notation of Attendance

Chairman Oh called to order the regular meeting of the Guam-Hybrid Land Use Commission for Thursday, April 25, 2019 at 2:58 p.m., noting a quorum.

Chairman Oh noted that each application has different Municipal Commissioners, and he will address a quorum for each individual application as they are presented.

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

There is a quorum for MCoG DLM 2019-04; present are Mayor Doris Lujan (Inarajan) and Mayor Vicente Taitague (Talofofo).

II. Approval of Minutes

Chairman Oh before the Commission today is the Minutes from the last Guam-Hybrid Land Commission meeting of Thursday, December 27, 2018. Members have had a chance to review the Minutes, Chairman Oh was ready to entertain a motion.

Commissioner Vy Mr. Chair, I would like to make a motion to approve the Guam-Hybrid Land Use Commission Meeting Minutes for December 27, 2018.

Commissioner Bathan seconds the motion.

Chairman Oh motion made by Commissioner Vy, seconded by Commissioner Bathan. Noting no discussion, the motion was put to a vote. All in favor of the motion to approve say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Vy, Mayor Lujan and Mayor Taitague], all opposed say "nay." **[Motion passed; 5 ayes, 0 nay]**

III. Old or Unfinished Business [None]

IV. New Business

Conditional Use

A. Application No. 2018-40, the Applicant, Hanwha Energy Corporation represented by TG Engineers, PC; requests approval for a Conditional Use permit to develop, construct and operate a 60 MW solar PV and energy storage system plant, on portions of Lots B-3-R4, B-3-REM-14 and B-3-REM-R14, in the Municipality of Inarajan, in an "A" (Rural/Agricultural) zone. [MCoG DLM 2019-04]
Case Planners: Celine Cruz/Frank Taitano

Chairman Oh notes that there is a quorum for this application.

Celine Cruz (Acting Chief Planner) summarizes the staff report to include purpose, facts, staff analysis/discussion, public hearing results, recommendation and conditions. [For full content/context, see attached report]

[Attachment A – Staff Report dated April 11, 2019]

Chairman Oh no questions noted, Chairman Oh opened the floor to the applicant. Please state your name for the record.

Kin Flores with Tor Gudmenson, President of TG Engineers, PC. Mr. Flores also introduced members from Hanwha Corporation (in the audience).

Mr. Flores provided a brief Power Point presentation for members of the Commission.

- Hanwha Energy Corporation is a large company; it is a global and international developer of solar PV systems as well as energy storage systems;
- The project site is in DanDan (Inarajan); towards the Layon landfill, and just above the existing 25-mega watt solar farm owned by NRG;
- Property is mostly savannah grass and was used primarily for farming and has been disturbed;
- There were more introduced species of habitat and/or animal species at this site; and, four of the introduced species are endemic. It is not a sensitive area for development as it was indicated in the biological survey;
- It is about 200-acres of land, straddling DanDan Road to the north and south, and 90-megawatts of solar panels. Battery ratings as indicated in the application, is to provide system stability as well as controlling sunlight intermittency;
- It is a 25-year power purchase agreement with Guam Power Authority which was signed last year;
- It involves a brand new transmission line and as shown in the photograph, power poles that will need to be constructed. GPA required this type of line (which is 115-thousand-volt facility) which requires three sub-stations to be either modified or constructed. About 260 poles will be needed for this project;
- Along with the lines, GPA requires a sophisticated line protection using fiber optic communication. From this facility in DanDan all the way to Piti sub-station, they will have a brand new fiber optics system for GPA's use. This line will be constructed by Hanwha and turned over to GPA once completed;
- Rendering of a proposed subdivision map which has gone through review of DLM's Survey and Planning Divisions. The approval of this map is eminent once the final boundaries are determined;
- Discussion on the property/boundary map. There is a 60-foot easement with an access road and below that will be the energy facility. They will be immediately adjacent to the existing solar farm. The upper corner is the location of the new substation building where the energy storage building will be positioned;
- Illustrations of location of PV panels. Panels will occupy almost every square meter available on site to achieve the 90-mega-watts of solar power and DC equivalent;
- The biggest challenge was the identification of wetlands on a portion of the area. They identified and delineated the boundaries for the wetlands; they went to the Army Corps of Engineers, Guam EPA and DoAG to get a wetland delineation map officially approved which no officially documents with Army Corps;
- TG Engineers and Hanwha have decided to completely avoid the wetlands and stay clear of area;

- Soil is quite silky and clayish; during the rainy season there will be a significant amount of runoff, and they worked closely with Guam EPA to develop an erosion control plan. The final design for clearing/grading is with Guam EPA, and Guam EPA insists that during construction was not to exceed more than 15-percent of mass clearing of the total areas;
- There is significant ponding and retention storage for stormwater that they had to design in order to prevent runoff and infiltration into the energy facility or the wetland areas;
- The switch yard which is close to 8,000 square feet or more and will house the switch gear and new transformer. This will be constructed by Hanwha and turned over to GPA for their operation and maintenance;
- Renderings of the facility;
- Pictorial view of what the panels will look like;
- There were comments made at the public hearing, and there were concerns about toxicity and during storms that these panels will fly about during the storms. It has been shown that in a storm in Australia, that these panels withstood winds of up to 190 mph and have proven for structural integrity for wind load. The brackets and the piles will be designed to withstand with Guam's code of 175 mph wind along with panels;
- There is a 45-million-dollar, five-year savings on fuel cost. This is a benefit for the community of Inarajan, but also the entire island as well;
- The company is on a very strict timeline to take advantage of the investment tax credits that will begin to significantly drop off from 2019, and in the next few years;
- Additional tangible benefits that these transmission lines in the southern part of the island will provide a harden system which is resilient to typhoons, provides stability to the southern residents, it provides a more efficient transmission system;
- Graph showing construction timeline for the project which is anywhere from about 24 to 30 months construction; and,
- Employment opportunities, educational programs and community affairs was discussed.

Chairman Oh inquired on the megawatts for the NRG facility.

Joaquin Flores responds that it is a 25-megawatt facility as opposed to this proposed 60-megawatt facility.

Chairman Oh how many employees are staffed at the NRG facility.

Joaquin Flores there will be 14 fulltime employees for ground maintenance, and two to three technical personnel to maintain the system. The facility was just sold to a new company and so there maybe reorganizing of the staff.

Chairman Oh Hanwha will have significantly more employees than NRG facility.

Joaquin Flores there will be more since this facility will have energy storage and PV systems. That concluded Mr. Flores' presentation and welcomed any comments and/or questions the Commission may have.

Commissioner Bathan stated that during the summer months Guam suffers from severe grass fires. Commissioner Bathan inquired how will the solar facility be protected from fires.

Joaquin Flores explained that there is a buffer zone which is about 20-feet or so between the perimeter fence and nearest PV panel. There is some buffer in the interior of the property that will be maintained with grass-cutting and outside of the fence line there will be cutting as well.

They are not concerned too much with the west, south-west portion because all of that area is wetland.

Mayor Vicente Taitague with so many existing power poles already in the area, Mayor Taitague questioned whether the developer will be installing their own power poles; there are too many power poles which will create safety issues.

Joaquin Flores GPA requires that the company stays on one side of the road on Route 4 up to the lookout point. Mr. Flores further explained that they will, when possible, stay clear of any existing lines. On Route 4A, from the village to Route 17 all poles on the left side of the road will be replaced with steel poles.

[Discussion on power poles ensues]

Chairman Oh what is the duration for the contract of the facility.

Joaquin Flores it is for a period of 25-years with an option on the last year to extend for an additional 5-years.

Chairman Oh what is the life-span of the panels.

Joaquin Flores the panels as well as the batteries have a lifespan of about 25 years.

Chairman Oh there is a concern on the disposal of the panels; Guam does not have the facility to dispose this type of solar panels.

Joaquin Flores Hanwha has made it clear that for the energy storage system they will be shipped back to Korea because there is no facility on island that will accept the lithium-ion technology; they will be shipped to Korea and refurbished and/or disposed of properly. The panels are made up of recyclable materials and can be recycled at an appropriate and permitted facility.

Chairman Oh commented that he has read the minutes from the municipal council meeting. There were concerns from the constituents on job opportunities to which Hanwha is committed to providing employment for the locals; power pole concerns; no water issues. Asked Mayor Lujan if there was sufficient support from the village.

Mayor Doris Lujan yes, there is.

Commissioner Bathan the contract with Guam Power Authority is for 25 years; Ms. Bathan asked if there is an option to extend.

Joaquin Flores confirms Commissioner Bathan's query and added that there is a five-year option to extend.

Commissioner Bathan what will happen to the facility should there be no extension granted.

Joaquin Flores Hanwha will take down the facility, dispose of the materials properly, if the facility is not in working order. Mr. Flores believes that the facility is designed to last more than 25-years, and it is expected that it will be turned over to GPA to continue operations and/or the company will continue to operate for another 5-years.

Commissioner Vy asked what the panels were made of.

Joaquin Flores it is made of polycrystalline type technology; the metals are aluminum frames.

Commissioner Bathan inquires what happens to the panels should they be damaged during a typhoon.

Joaquin Flores panels in Australia withstood storm winds of up to 190 mph, and these particular panels are strong and can handle wind loads.

[Discussion ensues on materials]

Commissioner Vy inquired if the foundation will be directly into the dirt or on concrete pads.

Joaquin Flores responds that they are still evaluating the foundation types and the design.

Chairman Oh what is the total land area and what is the percentage that the panels will take up.

Joaquin Flores it is 200-acres and will take about 85 to 95 percent will be used.

Chairman Oh there were some biological concerns that was brought up. Will any of the issues noted in the report hamper the construction of the facility in certain sites?

Joaquin Flores this is pretty much a disturbed site because of the farming that has been conducted over the years.

Chairman Oh has acquisition of the site been completed or awaiting approval.

Joaquin Flores the property acquisition is in escrow and in the final stages of purchase.

Chairman Oh it is a 25-year contract; the operation and maintenance will be conducted by Hanwha, and it will basically be a power purchasing contract with GPA. Chairman Oh asks if GPA has the option to take over the facility.

Joaquin Flores GPA has the option; but, they do not have the duty to take over the facility and there is a provision in their contract that states that. There are several options when the time comes.

Chairman Oh noting no further comments and/or questions, Chairman Oh opens the floor for public comment.

Public Comments [Noting no public comments, Chairman Oh closed the public comment period]

Chairman Oh are there any other questions and/or comments.

Mayor Taitague comments that he did not foresee any negative impacts to the island and supports the project.

Chairman Oh there being no further discussion, Chairman Oh was ready to entertain a motion.

Commissioner Vy Mr. Chairman, I would like to make a motion to approve Application No. 2018-40, Hanwha Energy Corporation; a request for a conditional use permit to develop, construct and operate a 60-megawatt solar PV and energy storage facility, on portions of Lots B-3R4, B-3-REM-14 and B-3-REM-R14, in the municipality of Inarajan, in an "A" zone; with the following conditions:

a. That the applicant adheres to the ARC conditions and requirements as stipulated in their official position statements;
b. If this conditional use permit it granted, the applicant is required to 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/GSPC project within one (1) year of the date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission shall be Null and Void"*;
c. A survey map recorded at the Department of Land Management for the properties discussed in this application shall be presented prior to the issuance of any building permit clearances; and,
d. Any changes to the approved site development plan as a result of ARC permitting agency requirements shall be reflected in an "As-Built Site Plan" to be submitted to the Guam Chief Planner prior to the issuance of an occupancy permit.

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

Mayor Taitague seconds the motion.

Chairman Oh seconded by Mayor Taitague (Talofofo).

Before putting the motion to a vote, Chairman Oh briefly touched on Condition B and the importance of obtaining a building and/or grading permit within one year of date of recordation of the NOA; failure to obtain a building and/or grading permit within the timeframe will void the Commission's approval of the application. In addition, Chairman Oh also stated that if there is a need for an extension of time, that the request is submitted to Land Management prior to the expiration date.

Noting no further discussion, motion is put to a vote --

All in favor of the motion say "aye" **[Chairman Oh, Commissioner Vy, Commissioner Bathan, Mayor Taitague and Mayor Lujan]**, all opposed say "nay."

[Motion passed; 5 ayes, 0 nay] [MCoG DLM 2019-04 panel was dismissed]

Chairman Oh noted the presence of Mayor June Blas (Barrigada), Mayor Melissa Savares (Dededo), and Mayor Rudy Paco (Mongmong-Toto-Maite) for the next item on the agenda.

Zone Variance

B. Application No. 2019-09, Pacific Unlimited Inc. represented by Michael Limtiaco; request for a Zone Variance for Height for the proposed construction of a cold storage warehouse facility, on Lot 5202-1-3, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone. [MCoG DLM-2019-05; Mayors June Blas, Melissa Savares and Rudy Paco]
Case Planner: Frank Taitano

Frank Taitano (Case Planner) reads the staff report to include purpose, facts, staff analysis/discussion, public hearing results, recommendation and conditions. [For full content/context, refer to attached report]

[Attachment B – Staff Report dated April 12, 2019]

Chairman Oh questions for staff.

Mayor Melissa Savares (Dededo) because of the location of the property is a report required from either GIAA or FAA because of the height of the building.

Chairman Oh staff, is this a requirement.

Frank Taitano in response to Mayor Savares' inquiry, Mr. Taitano states that any structure to be built in proximity of the Airport has to go through a permitting process, and not with the Guam Land Use Commission but through the permitting process to ensure that it does meet the FAA and GIAA requirements. It is not part of the ARC agencies.

Chairman Oh was an MPC resolution received from Barrigada.

Celine Cruz one was received just today.

Chairman Oh noted for the record that an MPC resolution from Barrigada was received; and, it notes that the MPC is in support of the project.

Mayor June Blas (Barrigada) reads the MPC resolution for the record [For full content/context, see attached exhibit].

[Exhibit 1 – Resolution 2019-002]

Chairman Oh it was noted that the minutes from the public hearing was not part of the staff report. Chairman Oh opened the floor to the applicant to present the application.

Michael Limtiaco (Vice President of Pacific Unlimited) Mr. Limtiaco passed out renderings of the proposed building as well as a satellite map on the location of the project site.

Mr. Limtiaco responds to the inquiry on whether or not the Airport was consulted on the project. The building is not located on the flight line on both the approach or the take-off flight line. The PUI building will be located directly behind the Guam Main Facility Post Office which is off of Route 16, and the flight line is located on the top left corner of the runway. The building is located significantly far away from the runway. The Continental hangar and ACI buildings depicted in the photograph are all well over 40-feet which are closer to the runway.

PUI has retained design partners in Honolulu who have made significant efforts to reduce the height of the building to the maximum height that they are allowed to, and they will continue to do so during the design process. They are at currently at sixty-five percent completion for the design. What they are finding difficult to manage is the Building Code regulations with the fire suppression system and the insulation that is required for the cold storage facility. Mr. Limtiaco added that they need to design a structure, a concrete structure, that can hold another box within that structure to provide the insulation required to meet the temperatures that they need to achieve. 40,000 square feet of the facility is freezer space and they need to design a freezer box within

that and thermal barriers are needed between the outer shell of the building as well as the freezer box, and dehumidifiers within that space to prevent the steel structures from having condensation and causing them to rust. They also need to condition the space properly to help that thermal barrier between the freezer, the chiller space, and the dry side of the warehouse which is also climate controlled at 65-degrees. There will be condensation spaces in between the top portion of the building and the lower portion of the insulated box that requires a lot of mechanical insulation and space to allow for the mechanical devices but also the means to service the mechanical equipment during the lifespan of the building.

In addition, Mr. Limtiaco explained that they are trying to maximize the volume metric space in order for the long-term energy consumption of the building to help reduce the impact of what it is going to cost to, not only to air-condition the dry side, but also to freeze the freezer space and the chill space. If the building is designed to conform to the building height of 30-feet it would increase the building footprint by 38-percent and that would mean a lot less open space for the lot itself. Conformance with the requirement of 30-feet would require a significant reduction in the warehousing racking systems to accommodate proper clearances for the fire suppression systems and related building code requirements. Consumption efficiencies will not be realized with a wider, shorter footprints as well. Additionally, the larger footprint will decrease the total available open area and of the lot, and increase the building's physical proximity to neighboring lots. If granted, the building's maximum height of 43-feet will conform to the existing structures on similarly situated lots including the existing GIAA United, ACI, USDA hangars and the Guam Department of Education Administration building.

In this same area there are several warehouses of which would look similar to this building and are depicted in the application with pictures and in the satellite image. Mr. Limtiaco states that he feels that the height zone variance request is reasonable and justified and respectfully asks for favorable consideration from the Commission.

Chairman Oh noted for the record, receipt of the public hearing minutes for the board's review. [Members were given a few minutes to review]

Mayor Savares the question on FAA restrictions has been answered and noted in the minutes. There was a mention of fire suppression, Mayor Savares asked if there was a particular type of fire suppression system that is needed for cold storage warehouses.

Michael Limtiaco responded that it is not any different than what the building code requires; but, the fire suppression system would have to hang in proximity above the racking systems. The forklifts, because they have to go up 4-high on the racking systems, the areas where the forks have to touch the cargo the boom height exceeds that area. So, there is an additional couple of feet that the forklift boom itself has to rise above in order to access the highest pallet racking position. They need the height of the building to be higher in order to accommodate the forklift.

[Discussion ensues]

Mayor Rudy Paco (MTM) what is the distance of the height variance of the fire suppression and where the boxes will be stored.

Michael Limtiaco it would be in compliance with the building code.

Chairman Oh there was concern brought up at the public hearing about connection to Route 16. Chairman Oh asked if there was an existing easement in place.

Michael Limtiaco responds yes, and further explained that as shown in the satellite image in the application, there is a road (GIAA airway access lane), and the right-of-way that was mentioned actually connects Marinier Avenue through that. Mr. Limtiaco added that adjacent to that access lane is the actual right-of-way that extends all the way to Route 16, northbound. There is an existing right-of-way and they have been granted a clearing permit for the right-of-way and a significant portion of that right-of-way has already been cleared. They also have been in discussion with DPW to encourage them to pursue opening up that right-of-way.

Commissioner Bathan how wide is the right-of-way.

Michael Limtiaco approximately 100-feet.

Commissioner Bathan ample room will be needed for egress/ingress because of trailers and/or containers going in/out of the facility.

[Lengthy discussion ensues on access and right-of-way easement.]

Michael Limtiaco the size of the warehouse that they are building is to accommodate a Department of Defense contract that was awarded to PUI. The contractual requirement requires his company to store 90-days of inventory for products that meet a certain demand pattern. It also requires them to support a 300-percent surge. The size of the building is a bit deceiving; the size of the building does not necessarily mean that you will be seeing a lot of traffic in this area. The average inbound container volume is five, 40-foot containers, and they also operate six, 20-foot reefer trucks with an average delivery, a number between fifty and sixty deliveries a week. Delivery trucks will leave at 6:30 in the morning and return to the facility at about 4:00 in the afternoon, and going opposite way of the inbound traffic that is associated with the school traffic.

Commissioner Bathan deliveries are being made to the Navy Base.

Michael Limtiaco they deliver to Andersen Air Force Base, Army Guard, predominately the Naval Station; and, five of the Guam Department of Education schools. The GDOE utilizes the federal programs that Department of Defense allows for because of USDA funding.

Mayor Paco on the proposed secondary road, Mayor Paco asked if they will be going over the fuel lines in that area.

Michael Limtiaco the fuel lines are located along the backside of the Guam Main Post Office. So, it is actually between their building and the GMF. Their routing plan would be off of Marinier and they will not be crossing over the fuel lines. They will not cross over the fuel easement and nor do they have permission to do so because they would need to request from NavFac to do so.

[Discussion on the fuel line ensues. The fuel line is active and recent upgraded by NavFac and is in use.]

Chairman Oh NavFac has existing warehouse facilities, can the company utilize Navy's existing warehouse space.

Michael Limtiaco explains that is what they are currently doing. They have operated the contract for the last five years, and this new contract is for seven and a half years; but, the building that they are currently operating out of now is over fifty-years old. It is concrete, very inefficient and dilapidating. It is right on the pier side and there is a lot of sprawling in the concrete and the

building has reached its useful life age. DoD's plan is to demolish the building. Mr. Limtiaco explains that this is the reason for the bid which they have been awarded, to have a contractor own the contract operated facility where as in the past, the contractor was a government owned contractor operated facility.

Chairman Oh asked how long is the current contract to which Mr. Limtiaco responded that it was for a period of 7-1/2 years.

Commissioner Bathan asks what will happen to the building once the contract will end.

Michael Limtiaco responds that they will re-bid; but also, the facility will be the most advanced cold storage facility on the island and will be available for commercial operations as well.

Chairman Oh inquired if they have explored other existing warehouse facilities outside of the Navy Base.

Michael Limtiaco prior to the awarding of the contract, there was an RFI done by the DoD. They did market survey on the facilities, and there are no facilities on Guam that can currently support this contract and that is the reason why they are building the structure.

[Discussion ensues]

Chairman Oh if you are to stay within the 30-feet height requirement what is the footprint of the building.

Michael Limtiaco it will be 38-feet in square footage. They would go from 90,000 square feet to approximately close to 130,000 square feet, and that would increase the volume metric space by ten percent and a significant increase in electricity.

Chairman Oh comments that he could not fathom what that size would be.

Michael Limtiaco it would be about 1-1/2 times larger than the Home Depot. By going higher, they will be able to stay within the 90,000 square foot.

Commissioner Bathan is there a plan to use solar panels for the facility.

Michael Limtiaco there are plans to use solar panels, but there are current limitations on the size. Mr. Limtiaco believes that there is an existing law that limits the size of the PV capacity if you are connecting to the grid. They will have to explore the options.

[Discussion ensues on power usage]

Chairman Oh what is the standard height for cold storage facilities; it seems that 40-feet is an industry standard.

Michael Limtiaco the industry standard for cold storage is 38-feet, and one of the challenges with Guam are the wind load and seismic requirements. The 43-feet that is being requested is at a maximum, and they are still working on how to possibly reduce that further. Mr. Limtiaco added that only nine-percent of the linear feet of the building will be at 43-feet.

Chairman Oh is there a reason for only 9-percent.

Michael Limtiaco believes that it has to do with the finish grade. There are some portions of the finished grade of the building; it will be peaked and not flat. It will be pitched to accommodate water runoff.

Chairman Oh understands that there are some limitations in terms of the height because of industry standard, such as racking. Chairman Oh also comments that the racking have to be a certain height, also taking into consideration the fire suppression system and insulation between the ceiling and the outside concrete.

Michael Limtiaco confirms Chairman Oh's comments and added that is the reason for the height variance request is to accommodate that.

[Discussion ensues]

Chairman Oh there was no further comments and/or discussion, Chairman Oh opened the floor for public comment.

Public Comment [Seeing none, Chairman Oh closed the public comment period]

Chairman Oh no additional comments noted. Chairman Oh states that this is an amazing building and will be built to standard, and conforms to the area in terms of height and use. We wish you success in your operations. Chairman Oh was ready to entertain a motion.

Commissioner Bathan Mr. Chair, I would like to make a motion to approve the request for a zone variance for height to construct a 43-feet cold storage warehouse facility, 13-feet above the allowed 30-feet height), on Lot 5202-1-3, in the municipality of Barrigada, for the Applicant, Pacific Unlimited Inc.; subject to the following conditions:

a. The applicant shall adhere to all ARC conditions and requirements as stipulated in their official position statement; and,
b. That the applicant shall also ensure compliance to the one-year time restriction that states that a *"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission be "Null and Void" per E.O. 96-26, Section 5."*

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

Mayor Blas seconds the motion.

Chairman Oh motion is seconded by Mayor June Blas. No discussion noted. Before putting the motion to a vote, Chairman Oh reminded the applicant on Condition B that states a one-year time limitation in obtaining a grading/building permit. If an extension is needed, submit a request for an extension prior to the expiration of the NOA.

Michael Limtiaco thanks the Commission for their time, and added that they have already received their grading permit and the building permit is currently with the Department of Land Management.

Chairman Oh you are asking for 13-feet above the 30-feet. There have been cases in the past where applicants requested for certain heights and because of some changes in the designs of

building they have had to come back before the Commission for additional height. Chairman Oh asked if 43-feet is sufficient.

Michael Limtiaco responds "yes" and they will not need to exceed 43-feet.

Chairman Oh [no discussion noted] on the motion, all in favor say "aye" **[Chairman Oh, Commissioner Bathan, Commissioner Vy, Mayor Blas, Mayor Savares and Mayor Paco],** all opposed say "nay."

[Motion passed; 6 ayes, 0 nay]

Next item on the agenda –

Zone Change

C. Application No. 2018-08, Pacific Land Holdings, LLC represented by TRM Architects; request for a Zone Change from "A" (Rural/Agricultural) to "R-2" (Multi Family Dwelling) zone, for the proposed development of affordable multi-family apartment units, on Lot 2244-R2, in the Municipality of Barrigada. [MCoG DLM 2019-06] [Mayor June Blas, Mayor Melissa Savares, Mayor Rudy Paco] Case Planner: Frank Taitano

Chairman Oh noted for the record that there is a quorum for this application. Present were: Chairman Oh, Commissioner Bathan, Commissioner Vy, Mayor Blas, Mayor Savares, and Mayor Paco]

Commissioner Bathan stated that she has a conflict of interest with this application, and recused herself from participating.

Chairman Oh Commissioner Bathan finds conflict with this application and will be recused. There is still a quorum, and we can proceed.

[Chairman Oh called for a five-minute recess at 4:40 p.m. and reconvened the meeting at 4:50 p.m.]

Celine Cruz (Acting Chief Planner) reads the staff report to include purpose, facts, staff analysis/discussion, public hearing results, and recommendation. [For full content/context, see attached report]

[Attachment C – Staff Report dated April 12, 2019]

Chairman Oh [no questions noted for staff] Noted for record was MPC Resolution 2019-001 from the Barrigada Municipal Planning Council.

Mayor June Blas (Barrigada) reads for record, Resolution 2019-001 relative to expressing support of Application No. 2018-08. [For full content/text, see attached exhibit]

[Exhibit 2 – Barrigada MPC Resolution 2019-001]

Chairman Oh questions for staff.

Mayor Savares BSP states in its position statement that they do not support the application, and is confident that Mr. Makio will address comments made in BSP's position statement. The development of 64-unit affordable housing development is needed for the central area of Guam.

Chairman Oh invites the applicant's representative to the front and to present the application.

Michael Blas Makio [Principle Architect with TRMA and the planner that worked on the concepts that were submitted in the application; and with him today is David Leon Guerrero from TRMA]

Mr. Makio's presentation included the following [For full content/context, refer to the attached exhibit] **[Exhibit 3 – Presentation notes]**

- Mr. Makio has worked closely with the Barrigada Mayor on what the priorities in the community. Mayor Blas provided valuable feedback for the development to include traditional village name for the project; Mayor's safety and security of the property; request for shared use of facilities with the village; provisions of recreational facilities for residents and village neighbors; providing a bus shelter and maintaining of the shelter; walking paths and sidewalks, sports field and open field;
- Conditions and recommendations from the ARC agencies [DPW, GPA, GWA, DPR/HPO, GEPA, DoAG) were noted and the applicant will comply to the requirements/conditions as stipulated in the agencies' position statement;
- The key point of this project is that they are working to make the utilities and infrastructure available all the way to the site;
- BSP had concerns; however, surfaced inconsistencies surfaced in their comments sighting the Northern & Central Land Use Plan;
- Some of the comments voiced at the public hearing included traffic, water impact, reliable power and stormwater and flooding;
- AE team met with PC Lujan's Principal who indicated that the school's population has significantly gone down; they currently have 373 students attending, and they do not feel that there is a traffic issue. Additionally, many of the facilities in that backroad area have been "moth-balled." The golf course is closed and a building right up against the street has been reduced even more. DPW has also installed a traffic light going into that road;
- The concern of water pressure - they will extend the waterline down to the areas of the project and loop it back around so that there is a contact flow of water;

Chairman Oh does the existing sewer line extend all the way up to the property.

Michael Makio no, sewer ends in front of P.C. Lujan School, and it is about several 100-feet away. Mr. Makio added that in the original application submitted there is an overhead graphic showing the locations of the water/sewer lines.

Chairman Oh this will be done at the expense of the developer.

Michael Makio responded yes, and added that GWA stated that they will need to collaborate with them and the Navy; so, their program is to try and integrate the system and improve it all at once.

Chairman Oh comments that it is quite a distance away, and that he didn't see too many residential homes in that area.

Nick Toft (Legal Counsel) a lot of it was recently returned ancestral lands, and there have been a few farms/ranches that have slowly come up in the area.

[Discussion ensues on water/sewer connections]

Chairman Oh at the public hearing one of the concerns was on streetlights.

Michael Makio installation of streetlights will be shouldered by the developer.

[Discussion ensues on streetlights and fire hydrants]

Chairman Oh this is a great project and affordable homes are needed in this area. Chairman inquired if this was a LIHTC (Low Income Housing Tax Credit) program.

Michael Makio yes, it is. The developer will have to work with GHURA to establish rental rates across the island and then go back and negotiate the rates through LIHTC.

Mayor Rudy Paco since GHURA will be able to utilize the rentals, Mayor Paco inquired if rules and regulations will be established and enforced for this development.

Michael Makio potential renters will be staying under contract and if there is any violation of the contract, they will be removed. The owners of this development have several other developments and have been successful in their efforts to maintain their properties.

Mayor Savares thanked the developer for this project. This project is definitely needed in the central area (Barrigada). This particular developer has allowed for common area spaces in the developments in Dededo; they have a mini mart, laundry facility, swimming pool, recreational area, etc.

Chairman Oh will this be a gated community.

Michael Makio the developer was looking at the gating of the development for security measures. GWA and GPA were not in favor of the gating and also issues with emergency vehicles having access to the development. This will be revisited and further discussed.

Chairman Oh noting no additional comments and/or discussion, Chairman Oh opened the floor for public comments.

Public Comments [Noting none, Chairman Oh closed the public comment period.]

Chairman Oh no additional comments and/or questions, Chairman Oh was ready to entertain a motion.

Mayor Savares I would like to make a motion to approve Application No. 2018-28, for the applicant, Pacific Land Holdings, LLC represented by TRMA; for the approval of a zone change from "A" (Agricultural) to "R2" (Multi-Family Dwelling) zone, for the development of a 64-unit, multi-family residential complex, on Lot 2244-R2, in the municipality of Barrigada.

Chairman Oh motion on the floor by Mayor Savares (Dededo), is there a second.

Mayor Blas (Barrigada) seconds the motion.
Chairman Oh motion is seconded by Mayor Blas. Noting no discussion, Chairman Oh puts the motion to a vote.

All in favor of the motion say "aye" **[Chairman Oh, Commissioner Vy, Mayor Blas, Mayor Savares and Mayor Paco]**, all opposed say "nay."

[Motion passed; 5 ayes, 1 recuse (Commissioner Bathan), 0 nay]

Chairman Oh that was the last item on the agenda. Moving onto the next item on the agenda –

V. Administrative and Miscellaneous Matters

Chairman Oh there is nothing further for discussion. Chairman Oh asked for a motion to adjourn today's meeting.

VI. Adjournment

Commissioner Vy motions to adjourn, seconded by Mayor June Blas; with all in favor.

The regular meeting of the Guam Hybrid Land Use Commission for Thursday, April 25, 2019 was adjourned at 5:40 p.m.

Approved by:

Date approved:

8/8/2019

Tae S. Oh, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

GUAM-HYBRID LAND USE COMMISSION

Chairman Tae S. Oh
Commissioner Conchita D. Bathan
Commissioner Hardy I.T. Vy

Commissioner [Vacant]
Commissioner [Vacant]

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

Regular Meeting

Thursday, April 25, 2019@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 April 18, 2019 and April 23, 2019]

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

II. Approval of Minutes

- GLUC-Hybrid Regular Meeting of Thursday, December 27, 2018

III. Old or Unfinished Business [None]

IV. New Business

Conditional Use

A. Application No. 2018-40, Hanwha Energy Corporation represented by TG Engineers, PC; request for a Conditional Use permit to develop, construct and operate a 60MW solar PV and energy storage system plant, on portions of Lots B-3-R4, B-3-REM-14 and B-3-REM-R14, in the Municipality of Inarajan, in an "A" (Rural/Agricultural) zone. [MCoG DLM 2019-04] [Mayors Doris Lujan, Vicente Taitague, Jesse Blas and Dale Alvarez] Case Planner: Celine Cruz/Frank Taitano

Zone Variance

B. Application No.2019-09, Pacific Unlimited Inc. represented by Michael Limtiaco; request for a Zone Variance for Height for the proposed construction of a cold storage warehouse facility, on Lot 5202-1-3, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone. [MCoG DLM 2019-05] [Mayors June Blas, Melissa Savares, Allan Ungacta and Rudy Paco] Case Planner: Frank Taitano

Zone Change

C. Application No. 2018-28, Pacific Land Holdings, LLC represented by TRM Architects, request for a Zone Change from "A" (Rural/Agricultural) to "R-2" (Multi-Family Dwelling) zone, for the proposed development of affordable multi-family apartment units, on Lot 2244-R2, in the Municipality of Barrigada. [MCoG DLM 2019-06] [Mayors June Blas, John Cruz, Allan Ungacta and Rudy Paco] Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

VI. Adjournment

ATTACHMENT A

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

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April 11, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Staff Report - Application No. 2018-40, Conditional Use Application

1. PURPOSE:

A. Application Summary: The applicant, Hanwha Energy Corporation represented by TG Engineers, PC; request for a Conditional Use permit to allow for the construction and operation of a 60-MW solar PV and energy storage system plant on portions of Lot Nos. B-3-R4, B-3-REM-14 and B-3-REM-R14, in an "A" zone, in the Municipality of Inarajan.

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

2. FACTS:

a. Location: The proposed project site is located along Dandan Road off Route 4. See **ATTACHMENT "A".**

b. Lot Area: 812,463± Square Meters or 8,745,351± Square Feet.

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

d. Field Description: The project site is undeveloped. A Biological Survey Report for the Solar PV and energy storage system plant is included as a supplement to the application. The Biological survey categorized the site into four (4) vegetation/habitat categories – (1) disturbed secondary growth forest, (2) disturbed savanna, (3) badlands (erosional scars); and (4) wetlands and potential wetlands.

e. Masterplan: Undesignated

f. Community Design Plan: Agricultural-Cultivation.

g. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: August 01, 2018

B. Date Heard By ARC: August 16, 2018

C. Public Hearing Results: On January 10, 2019, a public hearing was held at the Inarajan Community Center. There were approximately thirteen individuals in attendance. Mayor Doris Lujan presented testimony in support of the project with conditions. The applicant presented the project to those in attendance and then opened the floor to questions. Full public hearing results are attached as **Attachment "B".**

Testimony from Mayor Lujan is included in this report as **Attachment "C".**

4. STAFF ANALYSIS:

Pursuant to Section 61304(b),(8) of the Zoning Code as a conditional use in an "A" (Rural) zone and as specified by Section 61303 of the Zoning Code, is a specific use permitted upon approval by the Commission of **the site plan**, including but not limited to, **disposal of sewage**, **access, parking**, **structural location** and **dimensions of buildings**, **impact of the proposed use on adjacent land uses** and **accompanying covenants that may include performance standards.** The Commission shall also consider such other elements as may be reasonably related to the **health**, **safety** and **general welfare** of the community. With this in mind, we provide the following:

SITE PLAN

Based on the Site Plan submitted by the applicant, there are two alternatives to the development of a Solar PV and Energy Storage System Plant. The applicant notes that this is necessary because thorough site investigations and detail designs are still ongoing. Hanwha Energy Corporation does not want to overlook land-critical issues by prematurely selecting one alternative over the other. The applicant indicated that prior to the commission meeting, one definitive alternative will be selected.

Key elements of the site selection were the accessibility to the site, available lands (200 acres), proximity to existing solar power plant facility, and compatibility to adjacent land uses to name a few.

Storm water runoff flow patterns are maintained in the current flow patterns, engineering designs to manage the quality and flow rates will follow best management practices as well as local/federal regulation.

DISPOSAL OF SEWAGE

There will be no additional burden on the GWA public sewer system since onsite septic systems will be used. The proposed activity will have negligible sewage discharge flows from the bathroom and the sewer service will be handled by an onsite Septic Tank & Leaching Field disposal system as approved by GEPA.

ACCESS

Access to the site is about 600 feet from the junction of Route 4 and Dandan Road, a hundred foot (100') wide public easement.

PARKING

As a utilities facility, access is limited to authorized personnel only. The proposed operations and maintenance of the facility will have up to 3 authorized personnel present daily. Minimum parking requirements are 3 parking spaces for every 4 employees. The facility is to provide a total area of 240 square feet, which will adequately accommodate the minimum parking requirements.

STRUCTURAL LOCATIONS and DIMENSIONS OF BUILDINGS

Structures within the proposed facility include the Energy Storage System (ESS)/ Main Control building which measures approximately one hundred (100) feet by eighty (80) feet or eight thousand (8,000) square feet in size. The building site will be just off the access road to the NRG Solar Facility.

IMPACT OF PROPOSED USES ON ADJACENT LANDS INCLUDING HEALTH, SAFETY and GENERAL WELFARE FACTORS

The intended use does not require any deviation from the law; however, because the present zoning of the property is A "Rural" zone and the use is a permitted conditional use of the land, it is required to be subjected before this Commission prior to its implementation. If approved and when completed, the publics' health, safety and welfare will have been adequately addressed.

Hanwha has cited benefits to health, safety and general welfare of the community such as strengthening and creating a more reliable power system to the southern part of Guam; savings on energy bills as this facility displaces the use of fossil fuels; this development is considered a "passive development" in which no pollution, noise, or solid waste will be generated; engineering designs will comply with current building codes for wind and earthquake loads; and operation of a PV solar plant does not produce any toxic gas emissions or greenhouse gases; and other benefits. The application presents supporting documentation for such benefits.

A rezoning action under the zoning designation as a "Public Facility" (PF) would have been the appropriate designation. However, because of the delicate nature of a "rezoning" action, we believed that subjecting this under a "conditional use" would be more acceptable to the community. Under a conditional use approval, there would be conditions **imposed versus a zone change wherein conditions could not be made a part of the** approval.

The site is compatible with adjacent land uses as it abuts the existing NRG Solar Facility. The applicant has been consulting with the various government entities to address any issues that might be an impact to the surrounding properties in reference to health, safety and general welfare and, the applicant has submitted supplemental information in reply and response to the Application Review Committee (ARC) meeting and the Inarajan community public hearing.

In our review and analysis of the form and context of this application in reference to the Zoning Law, as well as position statements received to date from ARC members who have recommended approval with conditions, we conclude that the proposed use is necessary for the health, safety and general welfare of the community.

We have tracked this application from its submission and it is our findings that this requested Conditional Use is in line with the requirements of Section 61303 of the Zoning Code. We find it proper that it be considered favorably by the Guam Land Use Commission.

5. **RECOMMENDATION:** We recommend **APPROVAL WITH CONDITIONS** as follows:

A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and

B. If this Conditional Use Permit is granted, The Applicant is required to carefully read, Understand, and Comply with the Time Limitation Condition Noted on the First Page and the Acknowledgment Agreement at the Last Page of the Notice of Action that cites ***"Pursuant to Executive Order 96-26, Section 5, Applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of the Notice of Action, otherwise, the approval of the project as granted by the Commission shall be null and void"; and***

C. A survey map recorded at the Department of Land Management for the properties discussed in this application shall be presented prior to the issuance of any building permit clearances; and

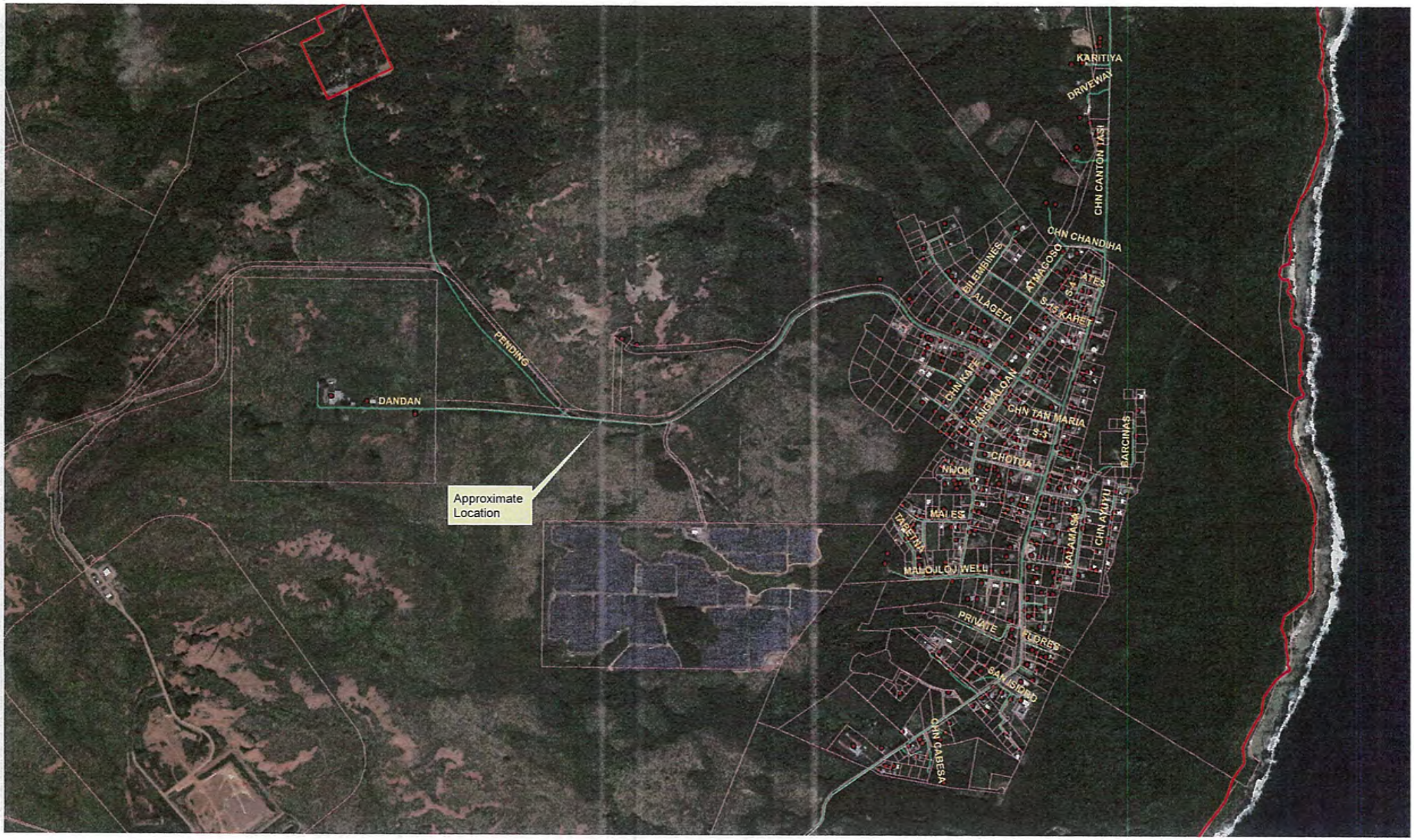
D. Any changes to the approved site development plan as a result of ARC permitting agency requirements shall be reflected in an "As-Built Site Plan" to be submitted to the Guam Chief Planner prior to the issuance of an Occupancy Permit.

Celine L. Cruz

ATTACHMENTS:

"A" = Location Map
"B" = Public Hearing Results
"C" = Testimony from Mayor Doris Lujan

Case Planners: Frank Taitano, Celine Cruz


KARITIYA
DRIVEWAY
CHN CANTON TASI
CHN CHANDIHA
BILEMBINES
ATMACOSO
ATES
ALAGETA
S-15 KARET
PENDING
DANDAN
CHN KAPE
LANGALOAN
CHN TAN MARIA
S-3
CHOTDA
NWOK
BARCINAS
Approximate Location
MALES
TASETNA
CHN AYUYU
KALAMASIN
MALOULOU WELL
PRIVATE
FLORES
SAN ISIDRO
CHN GABESA



Received
4-15-19

PUBLIC HEARING RESULTS – APPLICATION 2018-40
APPLICANT/REP: Hanwha Energy Corporation represented by TG Engineers, PC
DATE: 01/10/2019
TIME: 6:00PM
LOCATION: Inarajan Community Center

Application No. 2018-40 - Request for a Conditional Use Permit to develop, construct and operate a 60 MW Solar Photovoltaic and Energy Storage System Plant in an "A" (Rural/Agricultural) Zone, Lot B-3-REM-R14, LotB-3-REM-14, Lot B-3-R4, Inarajan

The meeting was called to order at 6:03 PM

Written testimony provided by Doris Flores Lujan, Mayor of Inalahan was read during the meeting and submitted to Celine Cruz of the Department of Land Management.

PowerPoint Presentation by Mr. Kin Flores of TG Engineers

- Hanwha Energy Corporation (HEC) company profile
  - HEC committed to establishing their company on Guam.
  - Will pay local taxes and contribute to the local economy and community
  - Project Location o Located just north of the existing solar farm on Dandan Road o About 200 acres of property o HEC will install 90 MW of solar panels o Guaranteed of 60 MW output into the GPA grid
  - 144,000 MWh of energy annually guaranteed – if the output is not met, they face penalties from GPA o Battery Storage facility on site to help control power fluctuation during cloud cover or harsh weather which will help keep the power steady
    - Will control the energy produced by the panels on the HEC project site as well as the NRG site.
    - New power line will be constructed to extend from Dandan to the Apra substation
    - 2 new substations will be constructed as part of the project
    - Expansion of Apra substation
    - Expansion of Malojloj substation
  - Upgrade of power poles to steel poles
    - Stronger than concrete poles
  - All transmission lines will have fiber optic lines as required by GPA - owned and operated by GPA.
  - Required by GPA to Upgrade all relays to enhance reliability and security

- Sediment control - Erosion problems – preliminary designs include significant ponding basins along the boundaries of the entire property.
- Wetlands – large amount of wetlands located on property
    - Project moved to the east to avoid disturbing the wetlands
    - The panels are designed for Guam's wind load ratings – to survive wind speeds up to 190 mph.
    - PV Modules are encapsulated – likelihood of modules getting damaged is extremely minimal.
    - 25 year lifespan
    - Nearly ½ billion dollars in savings for ratepayers over the life of the project.

QUESTIONS/COMMENTS:

Alicia Diego:

- Why is HEC not pursuing and under built transmission line?
    - TGE/HEC is trying to design the entire project to be above ground since it will be too costly to go underground.
- The fiber optic cables mentioned, will they provide internet or some other kind of benefit to the residents?
    - No. The fiber optic cables are strictly for power system protection and monitoring. It provides a more reliable system.
- With the ponding basins, where is the water discharging to?
    - Water is meant to be captured by those ponding basins to allow the sediment to sink to the bottom so that if it happens to overflow, it will essentially be treated, clean water to flow naturally across the boundaries.
- Security – how would it affect the residents in the area?
    - Perimeter fence around the entire area – chain link fence with barbed wire
    - Any communications with be used in accordance with GPA cyber security policies

Rick Meno

Land being used for the project – is it publicly or privately owned?

- HEC has entered into a land purchase agreement with the private property owners.

- Negotiating final terms in the coming months
- Recommending HEC to consider sustainable water storage for farmers
- Catchments, etc.

Gil Suguitan

Rain catchment - 3,000 gallon system which supports the farms at DOC o

How will the panels be transported into the village?

- Road quality during construction
- TGE emphasized to HEC that they need to implement a good traffic management plan in place
- Installation of speed bumps
- Damage/wear & tear inflicted on the roads

Andy Park

New law in 2017 from DPW that restricts the weight limit on the roads so the damage to the roads won't be as extreme.

Gil Suguitan

If concrete poles are inadequate to support the transmission lines, they will be replaced with steel poles. Will there be some way to position the poles away from the right of way due to the unfortunate reality of increasing motor vehicle accidents.

- DPW Highway Division – they're looking at erecting traffic barriers if the poles are within 10-feet of pavement.
- Poles are being designed to be at the furthest edge of the pavement/right of way as much as possible.
- TGE/HEC trying to avoid barriers due to the cost so they are working as much as possible to position the poles outside of the 10 ft zone as required by DPW.

Alicia Diego

- When construction begins on the roads, she is requesting to take into the consideration the schedules of residents transiting to work and students to school.
- This issue will be the responsibility of the contractor, who may need to submit a traffic management plan to DPW.

- Community partnerships – HEC will consider the different options the Mayor's office mentioned earlier in the meeting as well as use all the resources possible – will participate in community outreach programs through the Mayor's office.
- Describe the improvements to the electricity distribution to the south –Guam's current transmission lines run around the island, with the exception of the south. This project will provide a stronger transmission source of electricity for southern residents. Local vegetation will not affect these lines as they are higher up in elevation than the current distribution lines.

Tom Diego

- During cloudy days, will the solar panels still collect power?
  - Yes, but it won't be as efficient
- Invest in youth of village – HEC will review the many suggestions from the mayor's office. HEC will participate in community sponsorships, beautification, etc

Alicia Diego

- What proposed jobs will be available?
  - Grounds maintenance
  - Construction
  - General labor
- Would prefer more beneficial programs or scholarships/apprenticeships for the youth over providing "a net over the softball field"

Joey Paulino

- How will this project benefit consumers? How will it affect the power bills?
  - 2-3% reduction in power bill

Meeting adjourned at 8:16PM.

Received
1-10-19 @ public hearing

Hafa Adai and Welcome to Historic Inalahan!

For the Record my name is Doris Flores Lujan, Mayor of Inalahan.

My Office along with members of the Inarajan Municipal Planning Council is in receipt of your Amended Application DLM 2018-04 which contains the biological survey that includes the preliminary wetlands report. We have also reviewed the position statements submitted by members of the Application Review Committee. The Municipality of Inalahan is pleased with the position stance these GovGuam regulatory agencies have stated. As a close knit community, we have also taken special attention on the conditions imposed, both pre and post construction, of the Phase II Solar Plant in DanDan, Malojloj, Inalahan.

As you may know, the southern Guam is dependent on its rivers and streams which number over 100. Water is vital commodity. As a matter of fact, some say it compares to the crude oil. Guam's Northern Aquifer has been designed most pristine by the Water and Energy Research Institute at the University of Guam. This aquifer provides water to the military and North & Central Guam. Development on the aquifer is scrutinized by the ARC. As a direct result, the Municipality of Inarajan FULLY SUPPORT DLM application 2018-04 for the conditional use of prime, pristine, and fully green agriculture land. As noted in the GovGuam position statements, it is crucial that sediment and construction run-off is stored or handled on site. If this is NOT done correctly or in a sustainable manner, we can expect whatever does not settle into the ground in our rivers, streams, ocean, coral, and the like.

To the members present, the village of Inalahan is pleased to be part of the charisma of moving Guam forward into the 21st century thus our support of the Phase I Solar Farm in DanDan. My office along with other GovGuam regulatory agencies continue to monitor water quality.

We are fortunate that we are headed into the dry season thus we urge TGE to implore best management practices as stipulated by Dept of Public Works, GEPA, DPW, Dept of Agriculture, GWA, and Historic Preservation Office. The Municipality of Inalahan is thrilled over the recommendation that all agricultural land cleared for this project which is not occupied by solar panels and/or related equipment be planted with recommended reed grass and more importantly native trees and shrubs. These seedling are provided at no charge at Dept of Agriculture.

As you know, the island of Guam lacks a comprehensive Southern Masterplan and there the Kabales na Planu Para Guahan, published in 1978, is the key planning document that is used to temporarily guide land use planners, developers, and home owners. Therefore we realize your request for a conditional use of agriculture land. In addition, land that has not been rezone continue to be listed as agricultural land. These agricultural land is vital to the survival of the people of Guam to ensure that we continue to plan fruits and vegetables to build food security and food sustainability. The Municipality is totally aware of the need to seek alternative sources of power. Guam being a tropical island with only two seasons, dry and wet, it is ideal to develop sources of power that is God given, natural, and sustainable. As you all know, the Municipality of Inalahan and the people of Malojloj have been gracious host to the Phase I of the Solar Power Plan. In addition, the Municipality of Inalahan and the people of Malojloj have also risen to the occasion by hosting the Layon Landfill. The people of this historic village continue to document the lessons learn from our bid to move Guam into the 21st century such as the aroma which lingers during high trade winds and the effect on air quality for those resident living in higher elevation.

During extreme natural disasters and torrential rain, the southern villages continue to experience low to no water pressure due to terbidity levels. Ladies and gentle, when given a choice of urgency water is crucial to the survival of all residents. Thus villages realize the importance of the solar farm and still keeping a keen eye on any discharge that may arise in the numerous rivers that feed into the watersheds and ultimate Ugam Water System.

When NRG Renew proposed the Phase I DanDan project, the proposal included hiring local labor to fill grey collar and/or entry level positions. Thank you for making good on this commitment to build a pool of talented and well trained workers, especially those who call southern Guam home. **I along with members of the IPC would like to know if the Phase II DanDan project will also hire local labor to fill grey collar and/or entry level positions once again**. Be recalling former Phase I employees, these prospective individuals already possess the knowledge, skills, and work ethic necessary to successfully complete the Phase II DanDan project. As a matter of fact, the Village of Inarajan is willing to host a job fair so that Hanwha Corp and/or TGE can once again employ southern residents and continue building the local pool of grey collar and/or entry level positions.

I have spoken with members of the Municipal Planning Council and have reviewed the results of the village focus group survey conducted by the Guam Historic Preservation with assistance and expertise of the American Institute of Architects, Micronesia Chapter, when they were developing the Historic Inalahan Village. According to the survey results, of those polled village residents, they responded that cultural activities and sporting events ranked high on their request. In addition,

the latest village profile from the 2010-2015 Guam Behavioral Risk Factor Surveillance Survey, conducted annually by Public Health & Social Services, indicated that southern residents are experiencing fresh fruit/vegetable deserts. Meaning mom and pop convenience stores had limited or did not offer healthier options to build a balance diet of foods that represent the rainbow. In addition, according to the 2016 Statistical Yearbook, published by the Bureau of Statistics and Plans, the top 3 leading causes of death continue to be heart disease, cancer and diabetes. This can be attributed to poor food choices, low physical activity, increased tobacco and alcohol use, and obesity. We are fortunate that nutritious foods are current being served in Guam's public schools, to include Inarajan Elementary and Middle School. What we lack ladies and gentlemen is our ability to enforce and continue a healthier lifestyle are village programs that emphasize wellness, going local, and cultural/spiritual health.

Ladies and gentlemen, the Municipality of Inarajan is the only village that shared office space and limited, extremely limited community center. We are in dire need of a central location where village meetings can be held, after school tutoring programs for Inarajan youth, in-house gyms for those who are immobile. Due to the cost cutting measures in the FY GovGuam 2019 budget, the village of Inarajan lost is rental funding source thus the immediate move from the Malojloj office to where we are housed now effective October 1st. The move to the community center has greatly impacted the afterschool programs, enrichment programs, adult education classes, nutrition kits, and the like. In 2017, we submitted a grant application to GHURA to fund a municipal office using redirected community block grant funds however due to HUD's mission, we were only funded for a village basketball court. To date we still have no permanent village mayor's office.

Ladies and Gentlemen of Hanwha Corp and TGE, the people of Inarajan and Malojloj want to develop a public private partnership to champion sustainability in its people. We are requesting for your consideration and gracious approval to build the village infrastructure that will promote a higher standard of living, healthier communities, and village life full of joy and grace.

Option I – Municipal Office

The village of Inarajan currently had property in its inventory. If approval is given to construct this Municipality a Municipal Office complete with solar lights, permeable pavements, storm water drains, rain gardens and security perimeter, the village will be able to host meetings for municipal affairs, conduct after school programs, host GED evening classes, work with UOG to conduct workshop on nutrition using local foods, how to write a resume, and related courses in the Consumer and Family Life Sciences Program. We currently have a draft building plan complete with estimates on cost.

Option II – Retrofit Existing Classrooms at IES (North Wing)

If this exceeds the graciousness of Hanwha Corp and TGE, the village of Inarajan has property close to Inarajan Elementary School which currently houses classes in dire need of repair and retrofitting to include solar lights, permeable pavements, storm water drains, rain gardens and security perimeter.

Option III A – Hardening of Basketball Court in Malojloj

In an effort to sustain existing village infrastructure, there is a basketball court in Malojloj that needs hardening. Unfortunately, when being constructed, plans did NOT include a roof top to secure the basketball surface. Due to wear and tear and mother nature, the basketball surface has deteriorated to a point where it may not be safe

to hold intramural sports. If approved, we can work with TGE and or seek public/private partnerships to develop plans on a design to harden the basketball court complete solar lights, permeable pavements, storm water drains, rain gardens, bathroom, and security perimeter,

Option III B - Repurpose the Little League Softball Field in Inarajan

In an effort to sustain existing village infrastructure, there is a little league softball field in the main village adjacent to the historic Baptist church. Unfortunately, it is being underutilized due to safety of surrounding residents. Inarajan youth cannot play in that field and hit homeruns as these balls may hit private roof tops, windows etc. Unfortunately, when being constructed, plans did NOT include street lights, parking stalls or portable netting to avoid homeruns hitting village homes. Currently this property is used for limited village celebrations. It is our hope that with Hanwha's generosity and grace, you would positively consider repurposing this area for a skate part and playground. If approved, we can work with TGE design to skate park similar to the one in beautiful Dededo Village complete with solar lights, permeable pavements, storm water drains, rain gardens and security perimeter. In addition, the inclusion of a family park complete with durable playground equipment that can accommodate persons with a disability, seating areas, and a ADA compliant bathroom to be used by all who frequent this very important village improvement project. If approved, the Village will seek public and private partnerships (i.e. Docomo, IT&E) to donate playground equipment similar to the one in Paseo.

As Mayor of beautiful historic Inalahan, I humbly ask for your consideration and gracious approval to fund a community project in an effort to formulate future public/private partnership throughout Southern Guam.

Your generosity will ensure an educated community, a healthier people, a community who exude the Inafa maolek and Inifresi pledge, a community that host the Niyok festival week, and a village filled with historic sites complete with municipal infrastructure that preserves Guam's natural resources like Man, Land, and Sea.

Put respetu and un dangkulo na si yu'os ma'ase.

Ginen I taotao Inalahen and Malojloj.

DORIS F. LUJAN
Mayor

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

April 11, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2018-40 (Conditional Use)

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

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

A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and

B. If this Conditional Use Permit is granted, The Applicant is required to carefully read, Understand, and Comply with the Time Limitation Condition Noted on the First Page and the Acknowledgment Agreement at the Last Page of the Notice of Action that cites ***"Pursuant to Executive Order 96-26, Section 5, Applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of the Notice of Action, otherwise, the approval of the project as granted by the Commission shall be null and void"; and***

C. A survey map recorded at the Department of Land Management for the properties discussed in this application shall be presented prior to the issuance of any building permit clearances; and

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

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

DEPARTMENT OF PARKS AND RECREATION (DPR):
We have reviewed the subject application submitted by authorized representatives, Joaquin Flores and Simon Camacho, TO Engineers, PC. (TOE), on behalf of the applicant and the developer. We also reviewed additional documents submitted and met with the TGE representatives regarding other project details.

We have no objection to the approval of the application, but we are however, working with TGE representatives regarding historic preservation requirements to address the project's potential adverse effects to historical and cultural resources.

DEPARTMENT OF PARKS AND RECREATION (DPR): 2nd submission
We reviewed the subject application and the Biological Survey Preliminary Wetlands Report and have no objection to the approval of the application.

The application and the BIC) Survey Report provided additional information and insights with regards to the Malojloj 60 MW project and the understanding of the Flora and Fauna, topography and soils, and the general nature of the natural environment that may be subject to adverse effects caused by the project.

DEPARTMENT OF PUBLIC WORKS (DPW):
Buenas yan Hafa Adal! The applicant, HANWHA ENERGY CORPORATION (HEC) in partnership with Guam Power Authority (GPA), is proposing to construct and implement a new 60 Megawatt (MW) Solar Photovoltaic (PV) and Energy Storage System (ESS), with two 30 MW, PV and ESS for each PV installation. The proposal include new 115 Kilovolt (KV) transmission interconnection to the GPA grid, extending from the Malojloj project site to Piti substation. The above subject lots are approximately 200 acres solar farm in Dandan, Malojloj adjacent to the existing NRG Solar Facility.

The Department of Public works, (DPW) has completed its review and has no objection to the request provided the following conditions are met:

A. secure the property by installing fence;
B. provide a preventive measure(s) to protect the solar plant from becoming a hazard to public safety and to take steps to ensure that the solar plant is resistant to wind, typhoon, earthquake damages and or other natural disaster; and
C. solar components must be 100% UL approved.

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

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 perform improvements to GPA's electric power system as stated on the System Impact Study, Revision 2, dated August 14, 2018.

2. 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 Electric 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 No. 372394, 413560 and 772356.**

3. 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;

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

5. 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.

GUAM WATERWORKS AUTHORITY (GWA):
The Guam Waterworks Authority (GWA) has reviewed the applicant's conditional use request for a solar photovoltaic and energy storage system facility.

This memorandum shall serve as GWA's position statement to the above conditional use request related to availability of water and sewer infrastructure 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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

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

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

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussionsshall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

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

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

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

7. 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.

8. Only wastewater shall be discharged to the sanitary sewer system. Stormwater discharge to the sanitary sewer system is prohibited.

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

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.

Land Use. The Bureau finds that the proposed project falls in line with the Kabales Planu Para Guahan. The applicant is seeking alternate methods of power generation through solar cells and other renewable energy systems.

Water Resource Protection. On Guam, streams are present mainly in the south where low-permeability volcanic rocks slow the infiltration of rainwater and allow ground-water discharge to streams. Heavy rainfall and high runoff cause intense flooding in the stream drainage basins. Because the volcanic rocks have low permeability, ground water saturates the aquifer to tens to hundreds of feet above sea level and discharges at springs and into stream valleys. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

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

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

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.

3. Stabilize construction entrance and install necessary perimeter controls and diversions.

4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.

5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during dry season.

The applicant must 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). The project site lies within the Malojloj Watershed located north of Inarajan Village. In the south, vegetation is dominated by savanna and patches of forest, mostly riverine forests that form along valleys and ravines. The low-lying portions of river valleys are occupied by swamp forests, marshes, and occasional cultivated clearings. As surface area increases so does the risk of flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial pollutants are easily washed into the aquifer and nearby coastal waters. If not properly managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

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

Historical and Archaeological Resources. The Bureau recommends that the applicant coordinate with the 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 many concerns above, **the Bureau recommends approval to the Conditional Use request.** The Solar Project is expected to provide additional source of clean power from the sun as an alternative to fossil fuels which would be a cost savings measure and promote a cleaner environment to the residents of Guam.

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.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

The Guam Environmental Protection Agency (Guam EPA) has reviewed the application and determined that the proposed project will meet the requirements of our regulations provided the owner/developer and contractor comply with all relevant laws and regulations administered by Guam EPA and if they address the following concerns during the preparation of design documentation, permit application and construction as follows:

1. Due to the nature of the soils at this location being highly erodible and difficult to re-vegetate, the erosion and sedimentation control (ESC) plans and final site stabilization measures will be of critical importance. All applicable requirements of the Guam Soil Erosion Sediment Control Regulations (GSESCR) and CNMI and Guam Stormwater Management Manual must be followed, to include but not be limited to the use of all appropriate construction and post-construction BMPs and aggressive re-vegetation practices. The majority of construction, and in particular clearing and grading, must be scheduled to occur during the dry season. Clearing, grading, construction and re-vegetation should be performed in phases to minimize large open and disturbed areas from exposure that may result in excessive erosion and sedimentation of nearby streams, wetlands, and depressed areas.

2. The applicant must obtain coverage under and follow all requirements of the USEPA Construction General Permit (CGP). The applicant must submit a Notice of Intent (NO1) and stormwater pollution prevention plan (SWPPP) to USEPA and submit copy to Guam EPA pursuant to GSESCR. Submit an Environmental Protection Plan (EPP) and Erosion Control Plan for review and approval prior to commencement of clearing and grading activities.

3. The construction of the off-site transmission system and appurtenances must take into consideration the narrow road and soil erosion potential both the post and pre-construction phase.

4. All wetland boundaries must be delineated prior to the submittal of grading and clearing permit application. Provide 35' buffer from the wetland.

DEPARTMENT OF AGRICULTURE (DoAg):

Agriculture has reviewed the subject lot for the construction of a 60MW renewable solar energy power generation facility. Based on inspections of the site, biological reference from our agencies biologist and meetings with Mr. Kin Flores of TG Engineers Agriculture has no opposition to the proposed usage and development. Our agency will recommend approval of the current proposal for the construction of the facility with the following statements, conditions and requirements set forth in **21** *GCA Chapter 61 Section 61637.*

Our preliminary inspection of the site found no adverse impact to Agricultural activity as the majority of the existing farming occurs in adjacent lots elsewhere within the Dandan Malojloj area with only sporadic evidence of isolated fruit trees.

The primary concern for our agency consists of the full and comprehensive **"Biological Survey, Wetland sites and Watershed Conservation"** that will be needed to establish any mitigation measures that incorporate Best Management Practices that will help preserve and maintain those certain sections of the 200 plus acres proposed build.

In regard to the species listed in the application references those species on Section 14.0: 4.1 & 4.2 but a full **Biological Survey should be** provided to the Department **of Agriculture when the necessary Clearing and Grading Permit** is submitted. The **Biological report** should address those Flora and Fauna should they be present on the lots to be translocated and preserved in a section of the development where they can thrive and flourish undisturbed by the development of the site and habitat. Once determined it is vital that the section to be used for the dedicated **Conservation Habitat should** have *signs and protective barriers* in place to prevent encroachment of heavy machinery, equipment and people from entering this protected and restricted zone.

Please be aware that the Biological Report must be furnished to our agency as part of the Clearing and Grading Permit in order for Agriculture to sign off on the permit and allow the build phase to proceed.

The (2) Wetland Areas as described in section 14.0 Figure No. 2 and Figure No. 3 are also of primary concern and located on Lot B-3REM-15. As discussed these 2 sections of the property will not be a part of the overall development and will be left **as is.** In addition before any earthen work **is** to occur it is important that protective barriers are put around the 2 identified wetlands to prevent accidental encroachment and destruction of these areas. Signage to should be placed around the entire area to serve as notice not to encroach by any equipment operators, equipment and any materials associated with the project. A buffer zone of at least 35 feet must be maintained around the entire wetland area.

The development of the site is part of the overall Watershed Basin that is the Malojloj Watershed. The engineering report that includes the LIDAR contours and the USGS mapping, the watershed is comprised of over 142 acres that feeds the **Aslinget River,** 62 Acres that feed the **Tinago River** with the remaining portion flowing into the **0.** A well established storm water runoff plan must be in affect before any **Clearing and Grading** is to occur and our agency signs off on the **Permit Request.** Such a huge scale of land clearing will certainly have a negative impact to these rivers down below and to any coastal waters due to soil erosion associated with this project. As discussed the use of **Vetiver Reed Grass** can either be planted both before and after any earthen work in supplement to any mitigation plan that addresses these erosion control and pollution issues. The reed grass has excellent soil retention capacity and will help filter soil and water runoff. The Vetiver Reed Grass can be made available to the developer from our **Department of Agriculture's Organic Farm Demonstration** site.

In addition to the planting **Vetiver Reed Grass our** agency recommends that the developer incorporate the use of indigenous tree species from this area to help maintain and provide an ecological benefit into the project. As Guam's development increases the loss of habitat will have a devastating impact on the overall health of our environment due to the lack of diversity and availability of Guam's indigenous tree species. The use of native trees in the project in this area is highly recommended as they are adapted to existing soils and will help maintain healthy estuaries and surrounding habitat to allow for a healthy and vibrant eco-system. This **"Green Zone"** of trees can be planted on the buffer zone surrounding the wetland areas and on the edges of the entire property where none of the solar panels will be installed and does not interfere with the operations of the facility

The use of heavy equipment and machinery in the project will impact the site, and it is important that there is a designated area where vehicles leaving the site and making its way into any roadways and side roads go through a **Wash Out/Down** area to remove any soil and other debris before entering the roadways causing any contamination of habitat and danger to drivers using these same roads.

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 the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment. 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 **Dandan Malojloj** areas and will add to the privacy of the facility as it will house materials used in the facility.

The guidelines and requirements as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. For other earth friendly techniques and guidance form the Department of Agriculture please contact our offices at 300-7973.

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.

Celine L. Cruz
Acting Guam Chief Planner

Attachments: ARC Position statements

GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

17-3304 MARINER AVENUE · TIYAN, BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

October 19, 2018

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 19 2018
CLTC/GALC/GLUC

Tae Oh
Acting Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste 733, Tamuning, Guam 96913

Transmitted via hand delivery

Re: Ref: Application No. 2018-40 - Hanwah Energy Corporation represented by TG Engineers PC; Conditional Use permit to allow for the construction and operation of a 60-mw solar PV and energy storage system plant, on Portion of Lots B-3-R4, B-3-REM-14 and B-3REM-R14, in an "A" (Rural /Agricultural) zone, in the Municipality of Inarajan, Guam.

Hafa Adai Mr. Oh,

The Guam Environmental Protection Agency (Guam EPA) has reviewed the application and determined that the proposed project will meet the requirements of our regulations provided the owner/developer and contractor comply with all relevant laws and regulations administered by Guam EPA and if they address the following concerns during the preparation of design documentation, permit application and construction as follows:

1.Due to the nature of the soils at this location being highly erodible and difficult to re-vegetate, the erosion and sedimentation control (ESC) plans and final site stabilization measures will be of critical importance. All applicable requirements of the Guam Soil Erosion Sediment Control Regulations (GSESCR) and CNMI and Guam Stormwater Management Manual must be followed, to include but not be limited to the use of all appropriate construction and post-construction BMPs and aggressive re-vegetation practices. The majority of construction, and in particular clearing and grading, must be scheduled to occur during the dry season. Clearing, grading, construction and re-vegetation should be performed in phases to minimize large open and disturbed areas from exposure that may result in excessive erosion and sedimentation of nearby streams, wetlands, and depressed areas.

2. The applicant must obtain coverage under and follow all requirements of the USEPA Construction General Permit (CGP). The applicant must submit a Notice of Intent (NOI) and stormwater pollution prevention plan (SWPPP) to USEPA and submit copy to Guam EPA pursuant to GSESCR. Submit an Environmental Protection Plan (EPP) and Erosion Control Plan for review and approval prior to commencement of clearing and grading activities.

4. The construction of the off-site transmission system and appurtenances must take into consideration the narrow road and soil erosion potential both the post and pre-construction phase.

6. All wetland boundaries must be delineated prior to the submittal of grading and clearing permit application. Provide 35' buffer from the wetland.

Should you have questions please contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at 300-4779.

Respectfully,

FOR WALTER S. LEON GUERRERO
Administrator, Guam Environmental Protection Agency

cc: TG Engineers

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO

GLENN LEON GUERRERO
Director
ANDREW L. LEON GUERRERO
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 20 2018
11:53
CLTC/GALC/GLUC

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICANT: HANWHA ENERGY CORPORATION

APPLICATION: 2018-40

SUBJECT: Conditional Use of 60 MW Solar PV & Energy Storage System Plant Lot B-REM-R14, Lot B-REM-14, & Lot B-3-R4, Municipality of Malojloj

Buenas yan Hafa Adai! The applicant, HANWHA ENERGY CORPORATION (HEC) in partnership with Guam Power Authority (GPA), is proposing to construct and implement a new 60 Megawatt (MW) Solar Photovoltaic (PV) and Energy Storage System (ESS), with two 30 MW, PV and ESS for each PV installation. The proposal include new 115 Kilovolt (KV) transmission interconnection to the GPA grid, extending from the Malojloj project site to Piti substation. The above subject lots are approximately 200 acres solar farm in Dandan, Malojloj adjacent to the existing NRG Solar Facility.

The Department of Public works, (DPW) has completed its review and has no objection to the request provided the following conditions are met:

A. secure the property by installing fence;
B. provide a preventive measure(s) to protect the solar plant from becoming a hazard to public safety and to take steps to ensure that the solar plant is resistant to wind, typhoon, earthquake damages and or other natural disaster; and
C. solar components must be 100% UL approved.

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

Should you have any questions, please contact Mr. Max C. Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects (CIP-Vertical) @ (671) 486-3095 or Maryrose M. Wilson, Engineer III @ (671) 646-3224. **Dangkulu na Si Yu'os Ma'ase!**

GLENN LEON GUERRERO

9/24

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

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

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2018-0747

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 12 2018
CLTC/GALC/GLUC

December 5, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Conditional Use Application No. 2017-40: Malojloj 60 MW Solar PV and Energy Storage System Plant - Biological Survey Preliminary Wetlands Report, Supplement #1

We reviewed the subject application and the Biological Survey Preliminary Wetlands Report and have no objection to the approval of the application.

The application and the BIO Survey Report provided additional information and insights with regards to the Malojloj 60 MW project and the understanding of the Flora and Fauna, topography and soils, and the general nature of the natural environment that may be subject to adverse effects caused by the project.

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

Sincerely,

William N. Reyes

Cc: Joaquin C. Flores, P.E., Director of Energy Projects
kinf@tg-engr.com

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

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 20 2018
11:53
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In reply refer to:
RC2018-0747
cr: RC2015-0500

WB 9/21

September 13, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2018-40:
Application for Conditional Use for Malojloj 60 MW Solar PV and Energy Storage Plant, Lot B-3REM-R14, Lot B-3REM-14, and Lot B-3-R4, Dandan, Malojloj, Inarajan, Guam

We have reviewed the subject application submitted by authorized representatives, Joaquin Flores and Simon Camacho, TG Engineers, PC. (TGE), on behalf of the applicant and the developer. We also reviewed additional documents submitted and met with the TGE representatives regarding other project details.

We have no objection to the approval of the application, but we are however, working with TGE representatives regarding historic preservation requirements to address the project's potential adverse effects to historical and cultural resources.

Please do not hesitate to contact our office should you have any questions.

William N. Reyes 13SEP16

Cc: Joaquin C. Flores, P.E., TGE
kinf@tg-engr.com

GUAM POWER AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 05 2018
CLTC/GALC/GLUC

August 28, 2018

MEMORANDUM

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

From: General Manager

Subject: Lots B-3-R4, B-3-REM-14, B-3-REM-R14, Municipality of, Inarajan, (Hanwha Energy Corporation; Conditional Use Application to construct a 60 MW Solar PV and Energy Storage System Plant. **Application No. 2018-40**

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 perform improvements to GPA's electric power system as stated on the System Impact Study, Revision 2, dated August 14, 2018.

2. 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 No. 372394, 413560 and 772356.**

3. 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.

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

5. 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

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Hanwha Energy Corporation
Location: Lots B-3-R4, B-3-REM-14, B-3-REM-R14, Inarajan
Type of Application: Conditional Use
GLUC/GSPC Application No. 2018-40
Brief Project Description:
To construct a 60 MW Solar PV and Energy Storage System Plant.

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

9/3/18
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 may be required to determine the effect of this development 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

SEP 2 1 2018

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 24 2018
CLTC/GALC/GLUC

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Director, Bureau of Statistics and Plans

SUBJECT: **Application No. 2018-40**
Location: Lots B-3-R4, B-3-REM-14, B-3-REM-R14, Municipality of Inarajan
Applicant: Hanwha Energy Corporation c/o TG Engineers, PC
Proposal: Conditional Use to develop, construct, and operate a Renewable Energy Facility in an "A" (Rural) Zone

Håfa Adai! The applicant, Hanwha Energy Corporation (HEC) represented by TG Engineers, PC, is requesting for a Conditional Use in an "A" Zone to construct and implement a 60 megawatt Solar Photovoltaic and Energy Storage System (ESS) in the municipality of Inarajan. The property contains a total area of 809,455 square meters or 8,712,901 square feet which is approximately 200 acres in size.

The applicant is proposing to develop a solar panel farm which includes a 115 kV transmission interconnection to the GPA grid extending from the Malojloj project site to the Piti Substation. There will be approximately 250,000 panels proposed that will cover about 200 acres. The facilities on this compound will consist of an operations and maintenance building, a building for 24 hour personnel, and a building that will serve as a storage and restroom.

The location of the project site can be found in the Malojloj, Inarajan, Guam commonly referred to as the Dandan area and adjacent to and just north of the existing NRG 25 MW Solar Facility. The current make-up of the site location include single family dwellings, vacant overgrowth forested properties, the Layon Landfill, NRG Solar Facility, and NASA Tracking Station.

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 falls in line with the Kabales Planu Para Guahan. The applicant is seeking alternate methods of power generation through solar cells and other renewable energy systems.

Water Resource Protection. On Guam, streams are present mainly in the south where low-permeability volcanic rocks slow the infiltration of rainwater and allow ground-water discharge to streams. Heavy rainfall and high runoff cause intense flooding in the stream drainage basins. Because the volcanic rocks have low permeability, ground water saturates the aquifer to tens to hundreds of feet above sea level and discharges at springs and into stream valleys. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

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

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

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

The applicant must 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). The project site lies within the Malojloj Watershed located north of Inarajan Village. In the south, vegetation is dominated by savanna and patches of forest, mostly riverine forests that form along valleys and ravines. The low-lying portions of river valleys are occupied by swamp forests, marshes, and occasional cultivated clearings. As surface area increases so does the risk of flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial pollutants are easily washed into the aquifer and nearby coastal waters. If not properly managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

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

Historical and Archaeological Resources. The Bureau recommends that the applicant coordinate with the 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 many concerns above, **the Bureau recommends approval to the Conditional Use request.** The Solar Project is expected to provide additional source of clean power from the sun as an alternative to fossil fuels which would be a cost savings measure and promote a cleaner environment to the residents of Guam.

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'.***

CARL V. DOMINGUEZ
Director

cc: GEPA
DPR
DPW
GWA
GPA

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

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

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 04 2018
GUAM
ORIGINAL

September 27, 2018
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 application 2018-40 on Lot B-3REM-R14, Lot B-3REM-14 and Lot B-3-R4 for a "Conditional Use" application on approximately 200 acres located in Dandan Malojloj Municipality of Inarajan (Hanwha Energy Corporation c/o TG Engineers)**

Agriculture has reviewed the subject lot for the construction of a 60MW renewable solar energy power generation facility. Based on inspections of the site, biological reference from our agencies biologist and meetings with Mr. Kin Flores of TG Engineers Agriculture has no opposition to the proposed usage and development. Our agency will recommend approval of the current proposal for the construction of the facility with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637.*

Our preliminary inspection of the site found no adverse impact to **Agricultural** activity as the majority of the existing farming occurs in adjacent lots elsewhere within the Dandan Malojloj area with only sporadic evidence of isolated fruit trees. The primary concern for our agency consists of the full and comprehensive **"Biological Survey, Wetland sites and Watershed Conservation"** that will be needed to establish any mitigation measures that incorporate **Best Management Practices** that will help preserve and maintain those certain sections of the 200 plus acres proposed build.

In regard to the species listed in the application references those species on Section 14.0: 4.1 & 4.2 but a full **Biological Survey** should be provided to the **Department of Agriculture** when the necessary **Clearing and Grading Permit** is submitted. The **Biological report** should address those Flora and Fauna should they be present on the lots to be translocated and preserved in a section of the development where they can thrive and flourish undisturbed by the development of the site and habitat. Once determined it is vital that the section to be used for the dedicated **Conservation Habitat** should have ***signs and protective barriers*** in place to prevent encroachment of heavy machinery, equipment and people from entering this protected and restricted zone.

Please be aware that the **Biological Report** must be furnished to our agency as part of the **Clearing and Grading Permit** in order for Agriculture to sign off on the permit and allow the build phase to proceed.

The (2) **Wetland Areas** as described in section 14.0 Figure No. 2 and Figure No. 3 are also of primary concern and located on Lot B-3REM-15. As discussed these 2 sections of the property will not be a part of the overall development and will be left as is. In addition before any earthen work is to occur it is important that protective barriers are put around the 2 identified wetlands to prevent accidental encroachment and destruction of these areas. Signage to should be placed around the entire area to serve as notice not to encroach by any equipment operators, equipment and any materials associated with the project. A buffer zone of at least 35 feet must be maintained around the entire wetland area.

The development of the site is part of the overall **Watershed Basin** that is the Malojloj Watershed. The engineering report that includes the LIDAR contours and the USGS mapping, the watershed is comprised of over 142 acres that feeds the **Aslinget River,** 62 Acres that feed the **Tinago River** with the remaining portion flowing into the **Asalanso River.** A well established storm water runoff plan must be in affect before any **Clearing and Grading** is to occur and our agency signs off on the **Permit Request**. Such a huge scale of land clearing will certainly have a negative impact to these rivers down below and to any coastal waters due to soil erosion associated with this project. As discussed the use of **Vetiver Reed Grass** can either be planted both before and after any earthen work in supplement to any mitigation plan that addresses these erosion control and pollution issues. The reed grass has excellent soil retention capacity and will help filter soil and water runoff. The Vetiver Reed Grass can be made available to the developer from our **Department of Agriculture's Organic Farm Demonstration** site.

In addition to the planting **Vetiver Reed Grass** our agency recommends that the developer incorporate the use of indigenous tree species from this area to help maintain and provide an ecological benefit into the project. As Guam's development increases the loss of habitat will have a devastating impact on the overall health of our environment due to the lack of diversity and availability of Guam's indigenous tree species. The use of native trees in the project in this area is highly recommended as they are adapted to existing soils and will help maintain healthy estuaries and surrounding habitat to allow for a healthy and vibrant eco-system. This **"Green Zone"** of trees can be planted on the buffer zone surrounding the wetland areas and on the edges of the entire property where none of the solar panels will be installed and does not interfere with the operations of the facility

The use of heavy equipment and machinery in the project will impact the site, and it is important that there is a designated area where vehicles leaving the site and making its way into any roadways and side roads go through a **Wash Out/Down** area to remove any soil and other debris before entering the roadways causing any contamination of habitat and danger to drivers using these same roads.

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 the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment. 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 **Dandan Malojloj** areas and will add to the privacy of the facility as it will house materials used in the facility.

The guidelines and requirements as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. For other earth friendly techniques and guidance form the Department of Agriculture please contact our offices at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

TGE | CIVIL ENGINEERING, PLANNING, CONSTRUCTION MANAGEMENT AND LAND SURVEYING

November 30, 2018

Marvin Aguilar, Chief Planner
Department of Land Management
590 S. Marine Corps Drive, Ste 733
Tamuning, Guam 96913

Attn: Frank Taitano, Planner IV
Celine Cruz, Planner IV

Subject: Application 2018-40 Hanwha Energy Corporation Malojloj 60 MW Solar PV/ESS Plant Proposed Subdivision Map and PV/ESS Substation Layout amendment. LOT B-3-5, LOT B-3-6, B-3REM-14-1, and LOT B-3REM-15, Municipality of Inarajan

Buenas Yan Hafa Adai,

On behalf of Hanwha Energy Corporation (HEC), TG Engineers PC (TGE) is submitting an amendment to Application 2018-40 for Conditional Use on the above subject lots. TGE has also modified the solar PV layout and ESS Substation building from our original filing with GLUC on the proposed lots shown in Exhibits A-C. In this connection, TGE is now submitting a proposed parceling map for LOT B-3-5, LOT B-3-6, B-3REM-14-1, and LOT B-3REM-15, Municipality of Inarajan, to help expedite scheduling of the Public Hearing for this application.

The amended Solar PV and ESS Substation configuration will now encompass a total area of 812,463 SM or approximately 200.76 acres. The primary change resulting in this new equipment and building layout is due to defined wetlands in the South-West portion of the proposed site which required relocating PV panels to the north on LOT B-3-5 and LOT B-3-6.

TGE is hopeful, with this amendment, the DLM can now schedule the Public Hearing in Inarajan as soon as possible.

Should you have any questions or concerns, please contact 483-4141 or me at 647-0808.

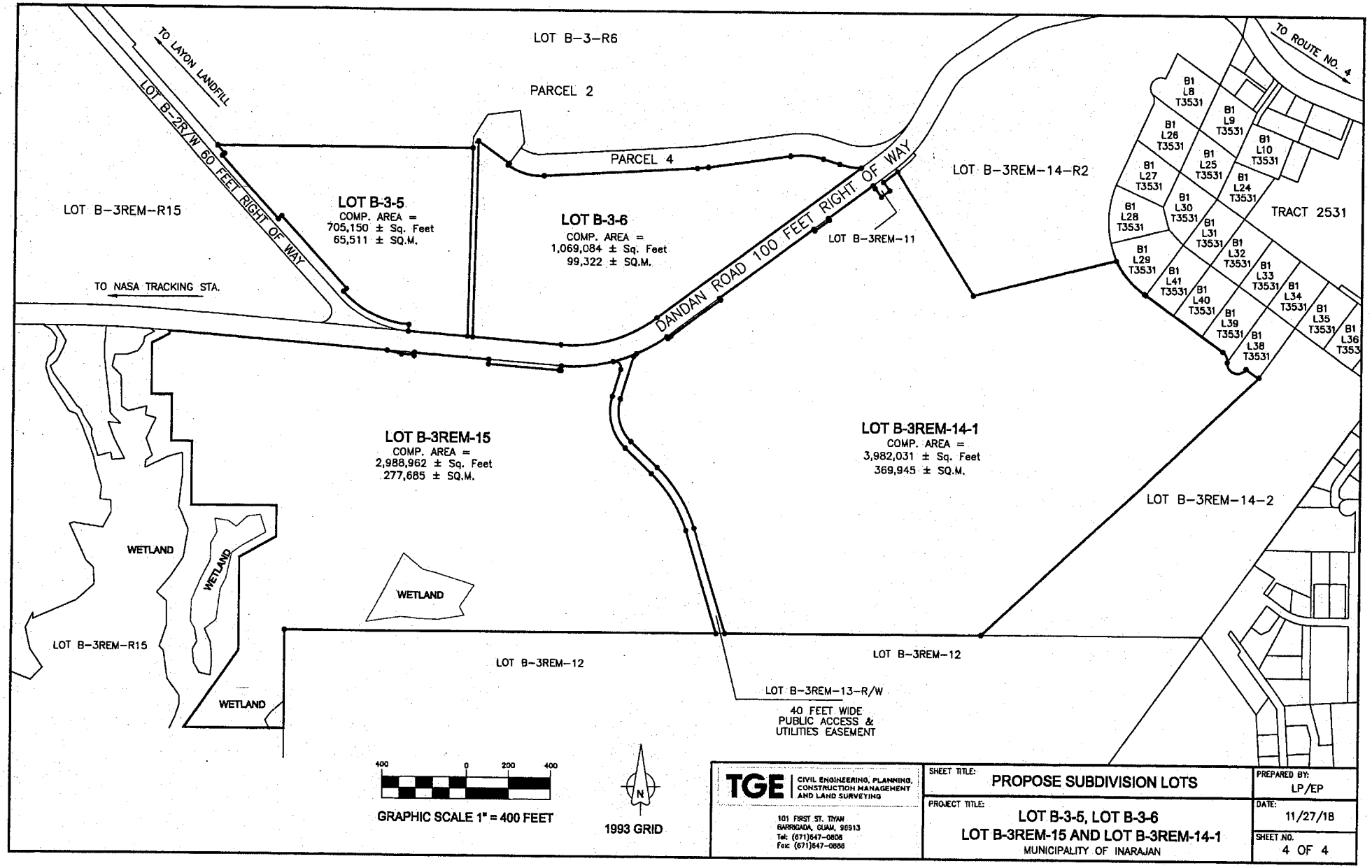
We look forward to hearing from you soonest.

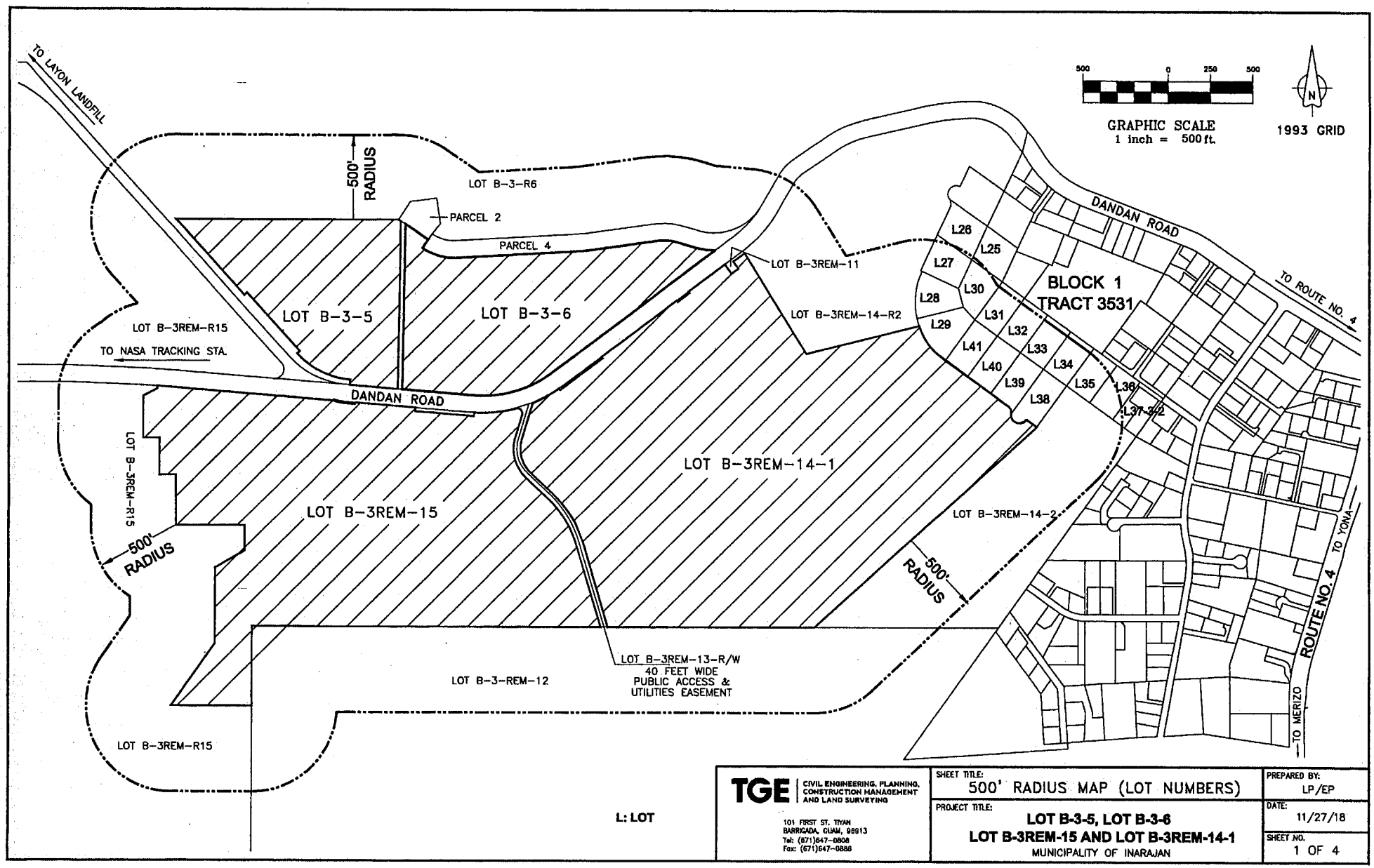
Si Yu'us Ma'ase,

Joaquin C. Flores, P.E.
Director of Energy Projects

101 First Street, Tiyan
Barrigada, GU 96913

Phone: (671)647-0808
Fax: (671)647-0886


LOT B-3-R6
PARCEL 2
PARCEL 4
TO LAYON LANDFILL
LOT B-2R/W 60 FEET RIGHT OF WAY
LOT B-3REM-R15
LOT B-3-5
COMP. AREA =
705,150 ± Sq. Feet
65,511 ± SQ.M.
LOT B-3-6
COMP. AREA =
1,069,084 ± Sq. Feet
99,322 ± SQ.M.
DANDAN ROAD 100 FEET RIGHT OF WAY
LOT B-3REM-11
LOT B-3REM-14-R2
TO ROUTE NO. 4
TRACT 2531
TO NASA TRACKING STA.
LOT B-3REM-15
COMP. AREA =
2,988,962 ± Sq. Feet
277,685 ± SQ.M.
LOT B-3REM-14-1
COMP. AREA =
3,982,031 ± Sq. Feet
369,945 ± SQ.M.
LOT B-3REM-14-2
WETLAND
WETLAND
WETLAND
WETLAND
LOT B-3REM-R15
LOT B-3REM-12
LOT B-3REM-12
LOT B-3REM-13-R/W
40 FEET WIDE
PUBLIC ACCESS &
UTILITIES EASEMENT
400 0 200 400
GRAPHIC SCALE 1" = 400 FEET
N
1993 GRID
TGE
CIVIL ENGINEERING, PLANNING, CONSTRUCTION MANAGEMENT AND LAND SURVEYING
101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
Tel: (671)647-0808
Fax: (671)647-0888
SHEET TITLE:
PROPOSE SUBDIVISION LOTS
PREPARED BY:
LP/EP
PROJECT TITLE:
LOT B-3-5, LOT B-3-6
LOT B-3REM-15 AND LOT B-3REM-14-1
MUNICIPALITY OF INARAJAN
DATE:
11/27/18
SHEET NO.
4 OF 4



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101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
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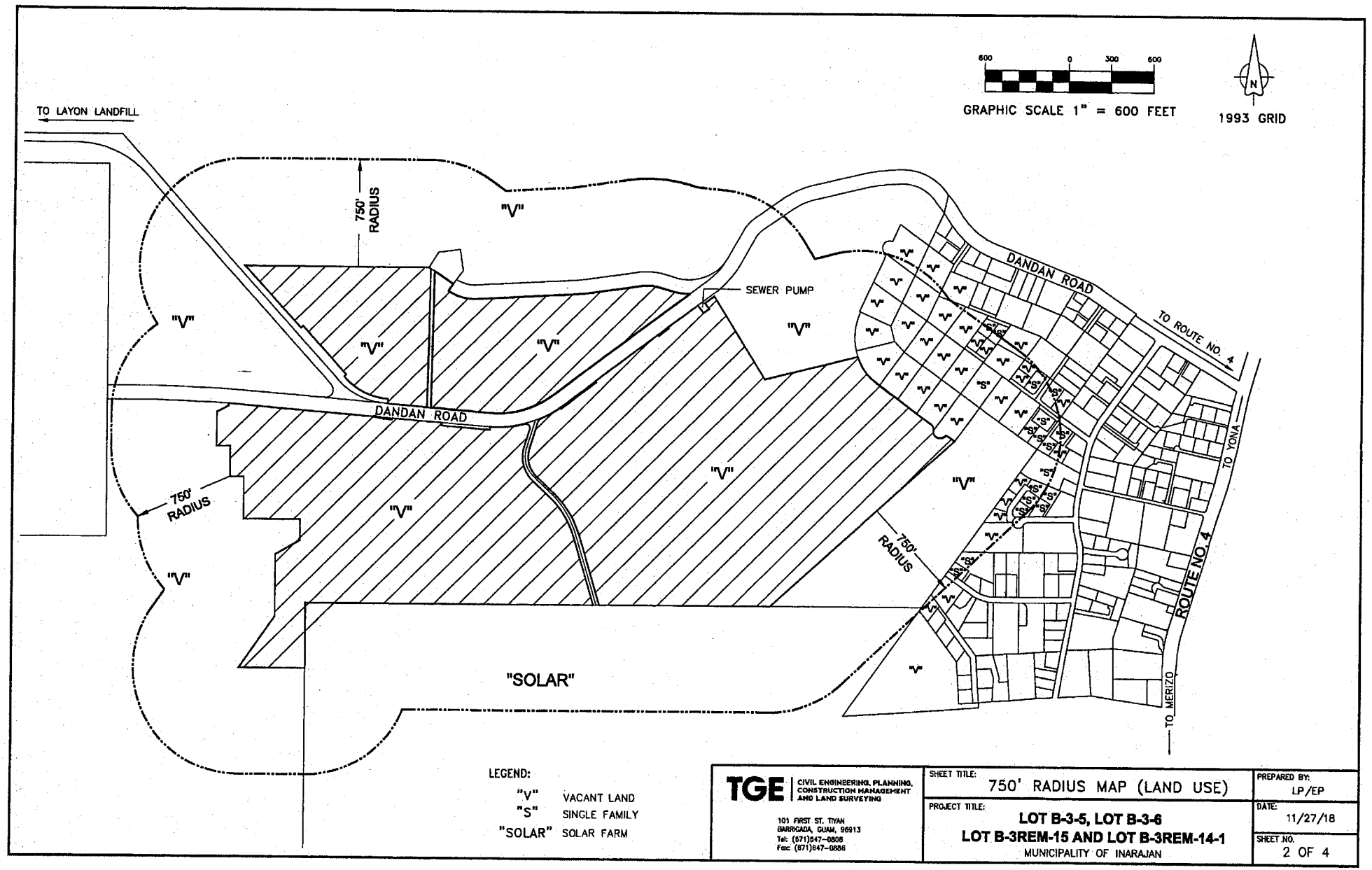
SHEET TITLE: 500' RADIUS MAP (LOT NUMBERS)

PROJECT TITLE: **LOT B-3-5, LOT B-3-6**
LOT B-3REM-15 AND LOT B-3REM-14-1
MUNICIPALITY OF INARAJAN

PREPARED BY: LP/EP

DATE: 11/27/18

SHEET NO. 1 OF 4



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101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
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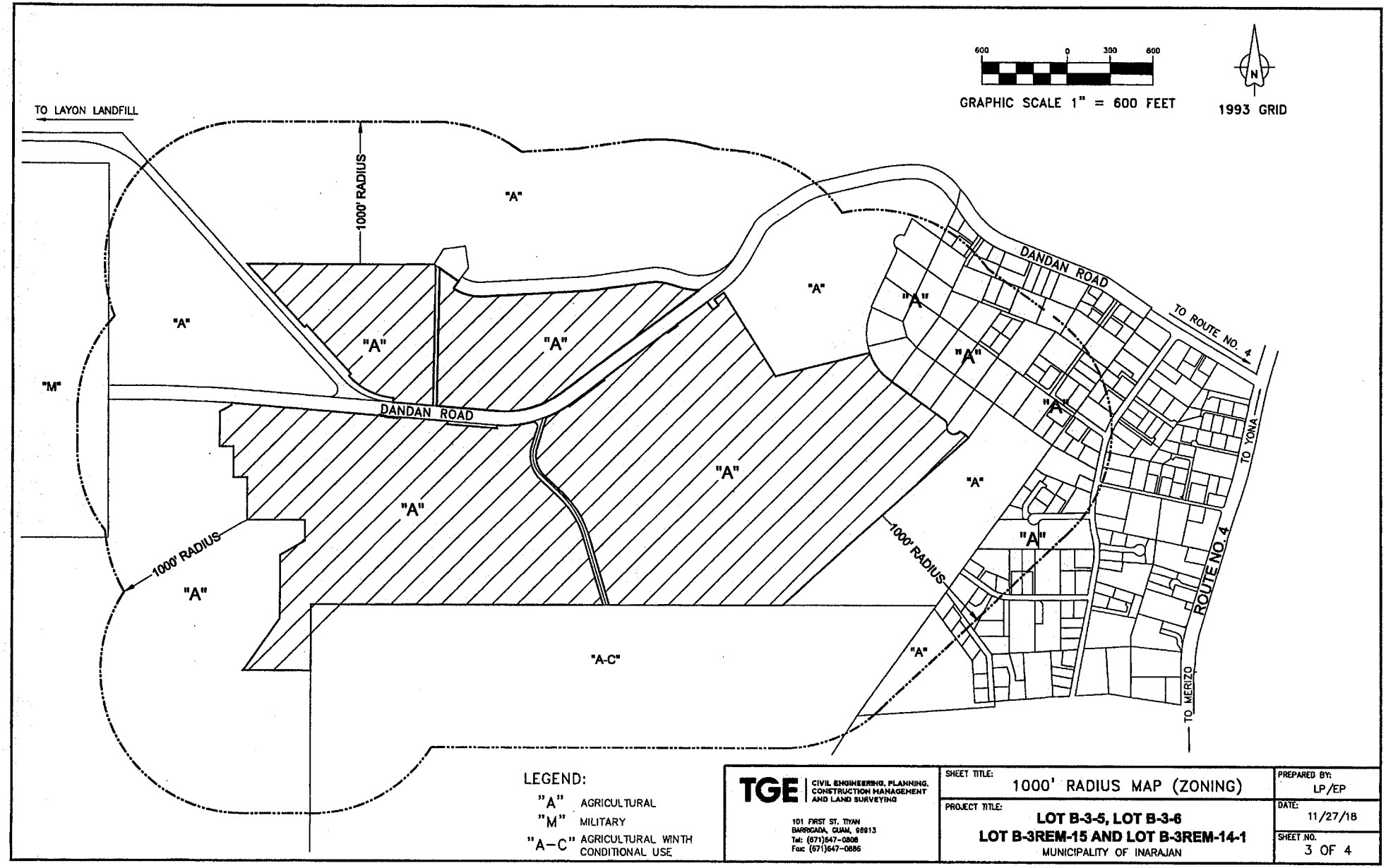
SHEET TITLE: 750' RADIUS MAP (LAND USE)

PROJECT TITLE:
LOT B-3-5, LOT B-3-6
LOT B-3REM-15 AND LOT B-3REM-14-1
MUNICIPALITY OF INARAJAN

PREPARED BY: LP/EP

DATE: 11/27/18

SHEET NO. 2 OF 4



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101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
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Fax: (671)647-0886

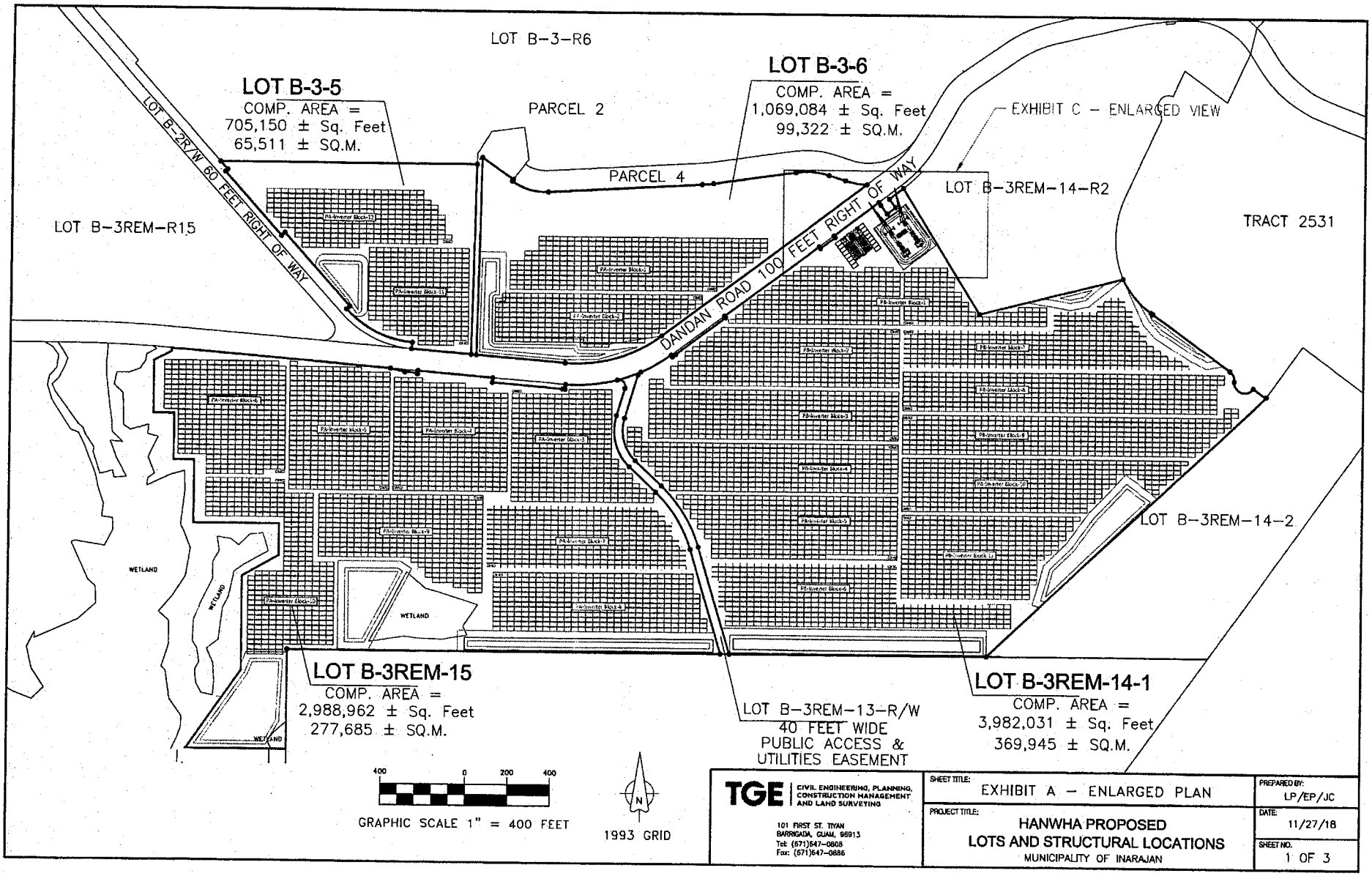
SHEET TITLE: 1000' RADIUS MAP (ZONING)

PREPARED BY: LP/EP

PROJECT TITLE:
LOT B-3-5, LOT B-3-6
LOT B-3REM-15 AND LOT B-3REM-14-1
MUNICIPALITY OF INARAJAN

DATE: 11/27/18

SHEET NO. 3 OF 4


LOT B-3-R6
LOT B-3-5
COMP. AREA =
705,150 ± Sq. Feet
65,511 ± SQ.M.
LOT B-2R/W 60 FEET RIGHT OF WAY
PARCEL 2
LOT B-3-6
COMP. AREA =
1,069,084 ± Sq. Feet
99,322 ± SQ.M.
EXHIBIT C – ENLARGED VIEW
PARCEL 4
LOT B-3REM-14-R2
LOT B-3REM-R15
DANDAN ROAD 100 FEET RIGHT OF WAY
TRACT 2531
LOT B-3REM-14-2
WETLAND
WETLAND
WETLAND
WETLAND
LOT B-3REM-15
COMP. AREA =
2,988,962 ± Sq. Feet
277,685 ± SQ.M.
LOT B-3REM-13-R/W
40 FEET WIDE
PUBLIC ACCESS &
UTILITIES EASEMENT
LOT B-3REM-14-1
COMP. AREA =
3,982,031 ± Sq. Feet
369,945 ± SQ.M.
400 0 200 400
GRAPHIC SCALE 1" = 400 FEET
N
1993 GRID
TGE
CIVIL ENGINEERING, PLANNING, CONSTRUCTION MANAGEMENT AND LAND SURVEYING
101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
Tel: (671)647-0808
Fax: (671)647-0886
SHEET TITLE:
EXHIBIT A – ENLARGED PLAN
PREPARED BY:
LP/EP/JC
PROJECT TITLE:
HANWHA PROPOSED
LOTS AND STRUCTURAL LOCATIONS
MUNICIPALITY OF INARAJAN
DATE:
11/27/18
SHEET NO.
1 OF 3



400 0 200 400

GRAPHIC SCALE 1" = 400 FEET

1993 GRID

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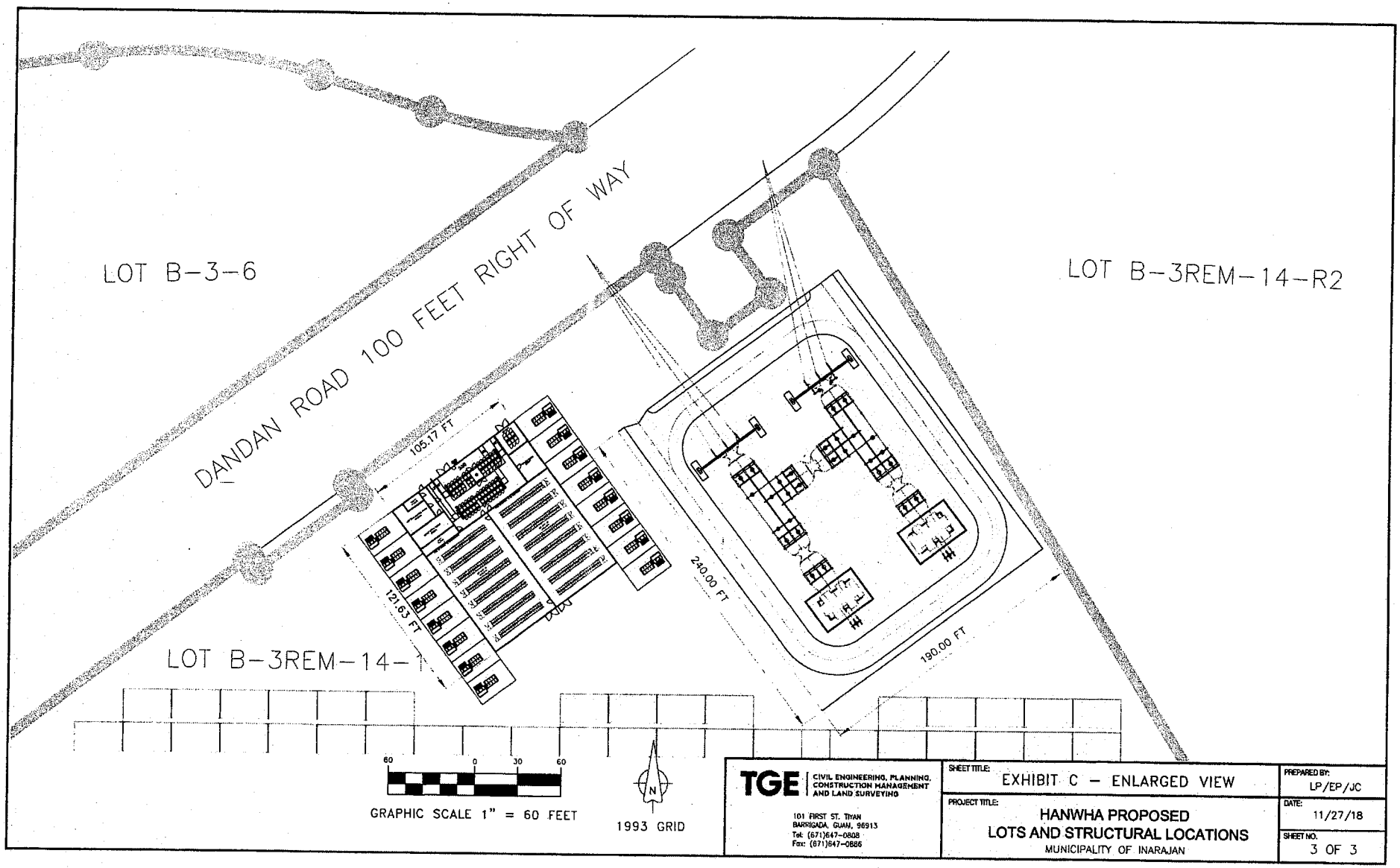
SHEET TITLE: EXHIBIT B – OVERALL SITE WITH IMAGE

PREPARED BY: LP/EP/JC

PROJECT TITLE: HANWHA PROPOSED LOTS AND STRUCTURAL LOCATIONS
MUNICIPALITY OF INARAJAN

DATE: 11/27/18

SHEET NO. 2 OF 3



TGE | CIVIL ENGINEERING, PLANNING, CONSTRUCTION MANAGEMENT AND LAND SURVEYING

101 FIRST ST. TIYAN
BARRIGADA, GUAM, 96913
Tel: (671)647-0808
Fax: (671)647-0886

SHEET TITLE: EXHIBIT C – ENLARGED VIEW

PROJECT TITLE: HANWHA PROPOSED LOTS AND STRUCTURAL LOCATIONS
MUNICIPALITY OF INARAJAN

PREPARED BY: LP/EP/JC

DATE: 11/27/18

SHEET NO. 3 OF 3

ATTACHMENT B

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting 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

April 12, 2019

Memorandum

To: Chairman, Guam Land Use Commission

From: Acting Guam Chief Planner

Subject: Staff Report - Application No. 2019-09, Zone Variance (Height) for Lot No. 5202-1-3, Municipality of Barrigada.

1. PURPOSE:

a. **Application Summary:** The applicant, Pacific Unlimited Inc. represented by Michael Limtiaco is requesting for a Zone Variance approval for height to construct a 43-Feet cold storage warehouse facility (13 feet above the allowed 30 feet height) on Lot 5202-1-3, Municipality of Barrigada.

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 in Tiyan, along Mariner Avenue, directly behind the USPS Guam Main Facility.

b. **Lot Area:** 30,428 SM or 327,524 Square Feet.

c. **Present Zoning:** "M-1" (Light Industrial) Zone (P.L. 34-45)

d. **Field Description:** The site is presently being graded in preparation for the proposed warehouse facility.

e. **Masterplan:** Undesignated

f. **Community Design Plan:** Undesignated

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** December 11, 2018

b. **Date Heard By ARC:** January 3, 2019

c. **Public Hearing Results:** April 9, 2019
(See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

As proposed, the zone variance request is for height to construct a forty-three (43) feet cold storage warehouse facility on the subject site. The variance requested is for thirteen (13) feet above the allowable thirty (30) feet height.

The proposed structure is a 90,000 square foot cold storage warehouse, in addition to storage space the structure will also contain an office space, loading/off-loading docks and accessory spaces for electrical, mechanical and other support elements.

Access to the facility presently is from Mariner Avenue and a high probability of a second access in the future from Route 16. Parking for the anticipated number of employees and ADA will be provided.

In reference to storm water run-off, the development will provide an approved storm water retention system to address the onsite storm water runoff.

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

The applicant provides that;

Conformance to the current height limitation of 30' will require PUI to increase the building footprint by 38%, consequently increasing the volumetric space by 10%. Conformance will require significant reduction of warehouse rack systems to accommodate proper clearances for fire suppression systems and related building code requirements for a climate-controlled facility. Target operational and energy consumption efficiencies will not be realized with a wider, shorter footprint. Additionally, the larger building footprint will decrease the total available open area of the lot and increase the building's physical proximity to neighboring lots. If granted, the building's maximum height of 43' will conform to existing structures on similarly situated lots, including the GIAA United Hangar, ACI Hangar, USDA Hangar and GDOE Administration buildings — all exceed the current 30' height limitation. Additionally, the aesthetics and use of the planned cold storage warehouse is consistent with existing area warehouses, including those' owned and/or operated by United Airlines, Nan Inc., and GDOE. industry-standard average clear height, the area within the warehouse used for storage, for cold storage facilities is 38[1] feet with resulting finished roof heights of 42-45 feet. PUI's 43' height variance would be consistent with the industry standard. This height achieves:

a. *Industry-standard Capacity Requirements: Pallet racking height that achieves 4 pallet high racking of US Standard pallets 40" x 48" x 48".*
b. *Industry-standard Material Handling Equipment Operating Requirements: It is standard practice to utilize high-mast forklifts to retrieve product in high-volume cold-storage facilities. This will require the forklift mast to extend past the height of the 4 high pallet racking space.*

---

(1) **Cold Storage Industry Outlook 2017**

c. *Building Code Requirements:* *Building code requirements such as HVAC and Fire Suppression systems must be clear of interference from forklift operation requiring sufficient height clearance.*

d. *Overall Efficiency:* *A smaller building footprint and density increases cold-sink of frozen goods and requires less energy to operate and results in a more efficient operation.*

Reducing the height of a cold-storage warehouse will likely:

a. *Increase the building's overall footprint by 38% and volumetric space by 10%;*
b. *Decrease the distance between this building and structures on adjacent lots;*
c. *Decrease the total available area for truck, container, vehicle movement and parking; and*
d. *Increase the total ownership costs (construction, energy consumption, etc.).*

In response to;

B. *That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.*

The applicant provides that;

Exceptional circumstance is founded in design requirements for the construction and operation of a cold storage facility. As the privately-owned and privately-financed facilit responds to infrastructure needs of the military build-up, standards of efficiency must be met to qualify the facility accordingly.

In response to;

C. *That the granting of Variances will not be materially detrimental to the public welfare or injurious to the property improvements in the neighborhood in which the property is located.*

The applicant provides that;

Granting the 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 project site is located in an area consisting of light and heavy industrial uses. Most building within close proximity exceed the 30' height limitation:

a. *United Hangar: 60'*

b. *Aviation Concepts Hangar: 60'*
c. *USDA Building: 51'*
d. *GDOE Administration Building: 40'*
e. *Warehouses in Close Proximity*
i. *United*
ii. *Pacific Trucking*
iii. *Nan Inc*
iv. *GDOE*
v. *Micronesian Air Cargo*

Further, the passage of Public Law 33-77 was intended to bring returned federal excess lands into compliance with current zoning requirements. The Law asserted a zoning designation of "A" (Agricultural) zone, albeit being inconsistent with pre-existing industrial and commercial uses resulting from the expansion of Guam Naval Air Station prior to land release to original land owners.

In the following 34th Legislature Public Law 34-45 afforded land owners in the area the opportunity to re-zone their property to "M-1" (Light-Industrial). Photos of buildings surrounding the property and their uses are provided.
Lastly, the surrounding areas and facilities are warehouses, aircraft hangars, and administrative buildings. There are no residential buildings within a 1,000-foot radius.

In response to;

D. The granting of such Variances will not be contrary to the objectives of any part of the Guam Master Plan:

The applicant provides that;

The Naval Air Station Agana Base Reuse Master Plan, Komitea Para Tiyan's Tiyan Plan, and Public Law 34-45 have all designated this lot and surrounding area as ideal for Light Industrial M1 and Commercial Use. Thus, the intended use and zone (height) variance is consistent with aforementioned land use plans.

In response to;

E. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach are upon which the building is to be constructed and that such building shall not interfere with adversely affect the surrounding property owners or the public right to an untrammeled use of the beach and its natural beauty.

The applicant provides that;

This requirement is a paraphrase of sub Section 61617(a)(5), 21 GCA. This subsection, in turn, references the originating intent of this requirement under Section 61504: "Building & Building Height Restrictions in Beach Areas".
The purpose stated in Section 61504(a) is to remedy the "indiscriminate building of structures on the beaches of the Territory (which) deprives the people of Guam of their right to untrammeled use of beach areas".

In our assessment of the response provided by the applicant in reference to the criterion cited in Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, we find that the applicant has provide adequate justification in reference to their request th there are 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 area, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan, that the proposed structure will not adversely affect the surrounding properties or public right to an untrammeled use of the beach and its natural beauty.

In addition, the 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 also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"***.

Celine L. Cruz

CASE PLANNER: F.P.TAITANO

Attachment: ARC Memo to GLUC Members

Minutes of Public Hearing

Application No. 2019-09, Zone Variance for Height to construct a forty-three (43) feet cold storage warehouse facility, thirteen (13) feet above the allowable thirty (30) feet height on Lot 5202-1-3, Municipality of Barrigada

On April 9, 2019, a public hearing was conducted at the Barrigada Mayor Office/Community Center, present was the applicant's representative, the Mayor and Vice Mayor and three members of the Barrigada Municipal Planning Coucil and four public attendees.

The meeting was called to order at 6:05pm by case planner. After a brief introduction and explanation of the application and the public hearing process, the floor was turned over to the applicant's representative, Mr. Michael Limtiaco. Mr. Limtiaco presented a detailed description of the overall facility and location, its function and its compatibility to other structures in the immediate area and the requested height variance. After his presentation the floor was open for discussion and questions as noted below;

Q. Where is the business located now?
A. Mr. Limtiaco responded that they are presently located in a warehouse in Naval Station and will relocate to the new site.

Q. Are the employees to be relocated and will the new facility add more jobs?
A. Mr. Limtiaco responded yes, the existing employees will be relocated and they will be additional jobs generated by the new facility.

Mayor Blas then explained the existing partnership of the applicant and the Limtiaco's involvement with past community projects and continuing involvement on new community projects.

Q. Is the site the property being cleared and graded?
A. Mr. Limtiaco responded yes, we have obtained a clearing and grading permit to prepare the site for the proposed facility.

Q. Is there any FAA restriction?
A. Mr. Limtiaco responded, None, just for Solar Panels, should we decide to install one, the panels have to be anti-glare.

Q. I assume that parking will be met?
A. Yes, Mr. Limtiaco responded yes, we estimate at 12 employees, parking will be met and because we are not a retail environment we will not have on site public customers. Orders from the military or DOE will be received and entertained electronically.

Q. Are you to connect to Route !6?
A. We have discussed with Department Public Works the idea of opening the access to Route 16 and we have clear a portion of the easement that connects to Route 16.

Q. Will the connect to Route 16 interfere with the POL line?
A. Mr. Limtiaco responded, that any impact to the existing infrastructure, to include the POL line will be be mitigated and the access, should it be open will be a benefit, not only to our facility, but also to the surrounding business and schools.

Minutes of Public Hearing
Application No. 2019-09 (Zone Variance)
Lot No. 5202-1-3
Municipality of Barrigada
Page No. 2

After a number of call to the attendees for any comments or concerns by case planner and no further concern or question was put forth by the attendees, case planner thanked those in attendance for taking the time to attend the public hearing.

There being no further questions or concerns the case planner adjourned the meeting at 6:45 P.M.

Frank P. Taitano
Case Planners

Municipal Planning Council
April 24, 2019

Resolution No. 2019 – 002

received 4.25.19

Chairman and all members of the Barrigada Municipal Planning Council

Relative to expressing the support of the Municipal Planning Council on Application No. 2019-09, Zone Variance (Height) for Lot No. 5202-1-3, in the Municipality of Barrigada.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, on Tuesday, April 9, 2019, a DLM public hearing was held at the Barrigada Mayor's Office to hear the Zone Variance request by Pacific Unlimited, Inc. on Lot No. 5202-1-3, in the Municipality of Barrigada (Application No. 2019-09); and

WHEREAS, it was explained and justified by applicant representative Mr. Michael Limtiaco, that the request is for a height variance to construct a 43-foot high cold storage warehouse facility (13 feet above the allowed 30-foot height); now therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council having reviewed the zone variance request and exercising its rights and privileges, does hereby express its support and endorses the zone variance request submitted by the landowner through his representative; and be it further

RESOLVED, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to Mr. Michael Limtiaco, representative of the landowner; to the Executive Secretary of the Guam Land Use Commission; to the Director of the Department of Land Management; and to the Executive Director of the Mayors Council of Guam;

DULY AND REGULARLY ADOPTED ON THE 24th DAY OF April 24, 2019.

JUNE U. BLAS
Mayor and Chairman

JESSIE P. BAUTISTA
Vice Mayor

THERESE B. MAZZEI
MPC Member and Council Secretary

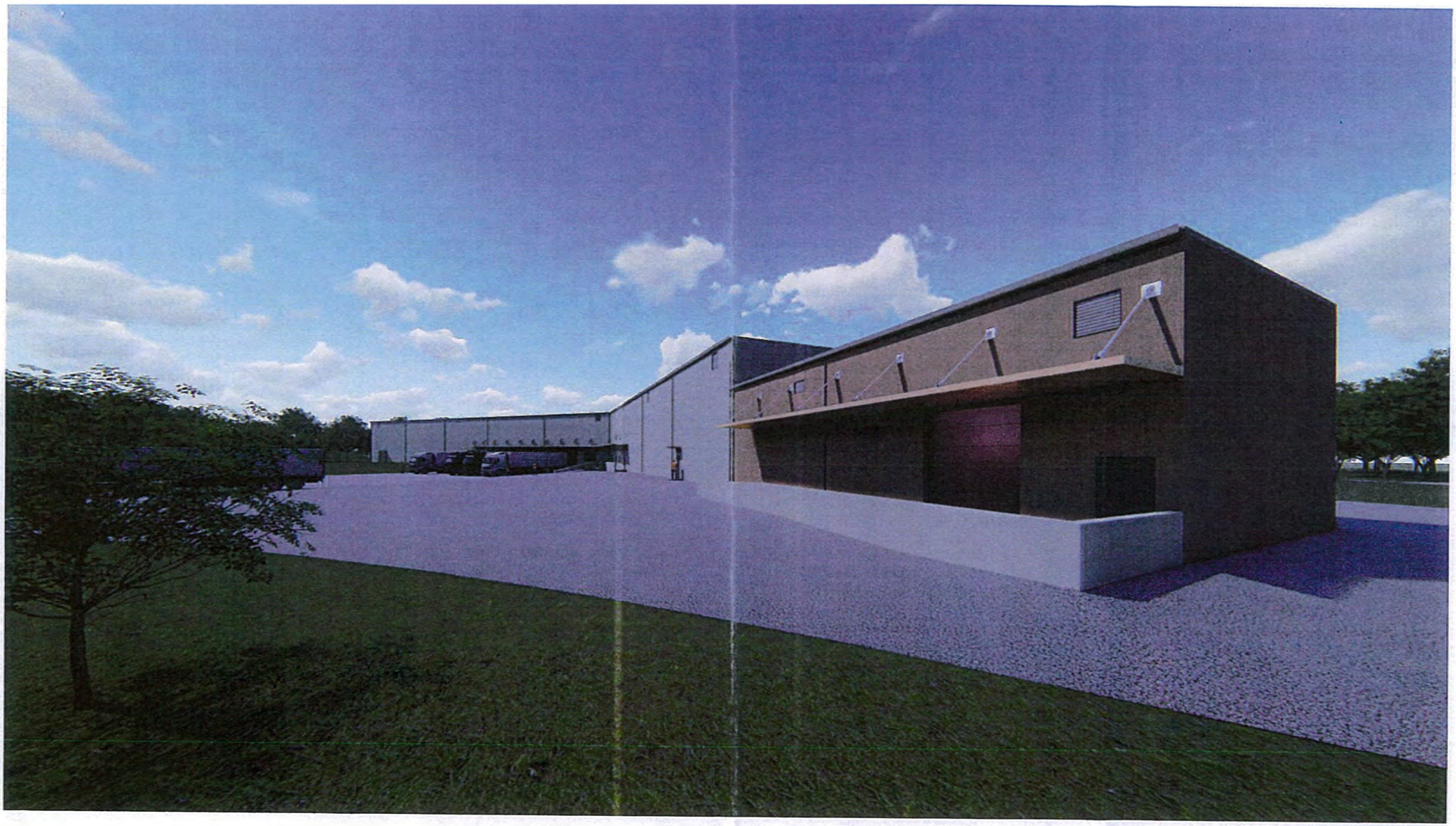

NOTICE TO REZONE
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE VARIANCE: M1 HEIGHT VARIANCE
APPLICATION DESCRIPTION: M1 Height Variance
OWNER: Pacific Unlimited Inc.
DEVELOPER: Pacific Unlimited Inc.
LOT, BLOCK, TRACT: LOT 5202-1-3, Naval Air Station Agana-25
PUBLIC HEARING: Date: 4/9/2019 Time: 6:00PM
GLUC MEETING: Date: 4/25/2019 Time: 1:30 PM



Coco Warehouse Loading Zone

PUI COCO DRY & COLD STORAGE FACILITY

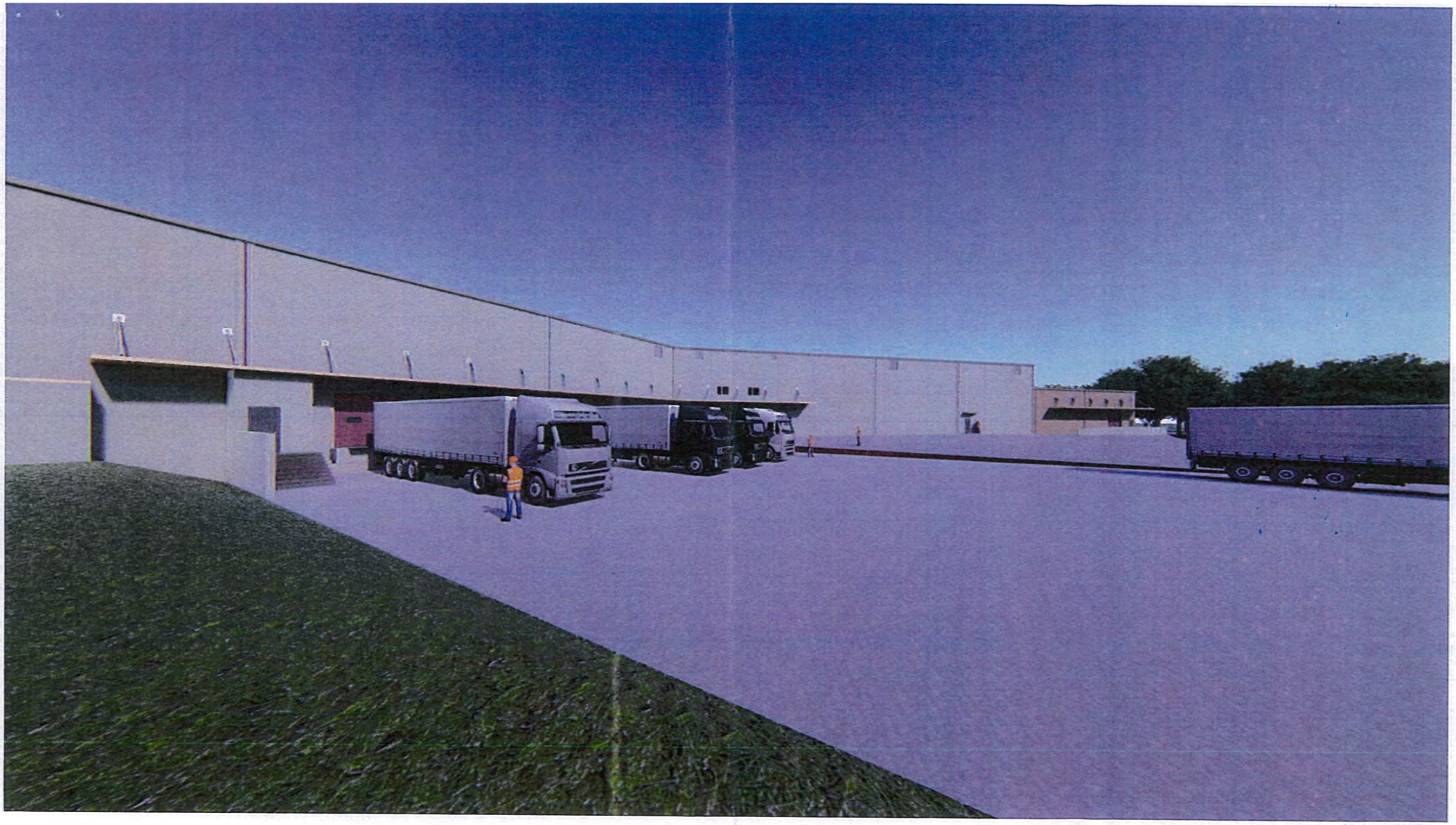
DESIGN PARTNERS INCORPORATED



COCO WAREHOUSE 3D RENDERING

PUI COCO DRY & COLD STORAGE FACILITY

DESIGN PARTNERS INCORPORATED

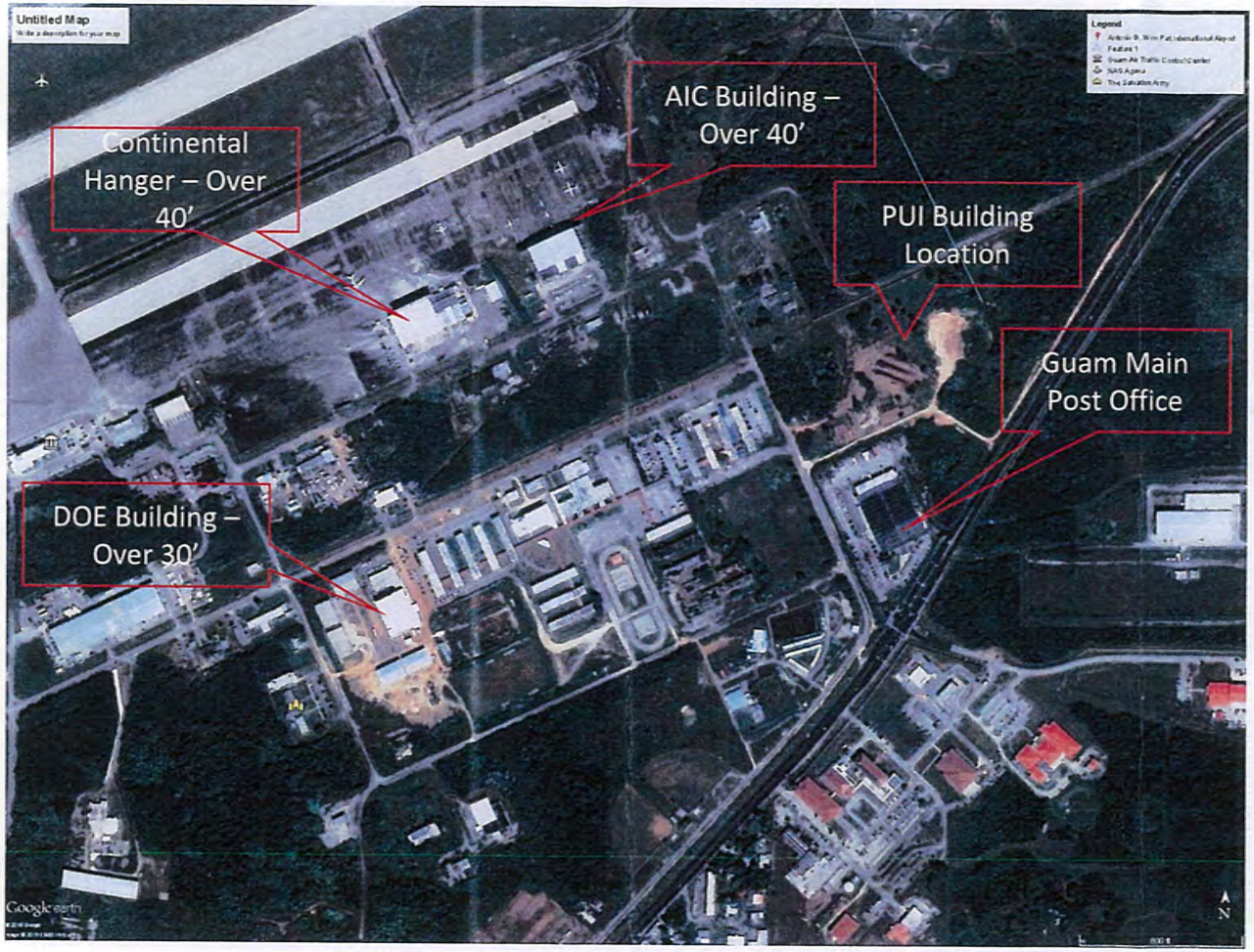


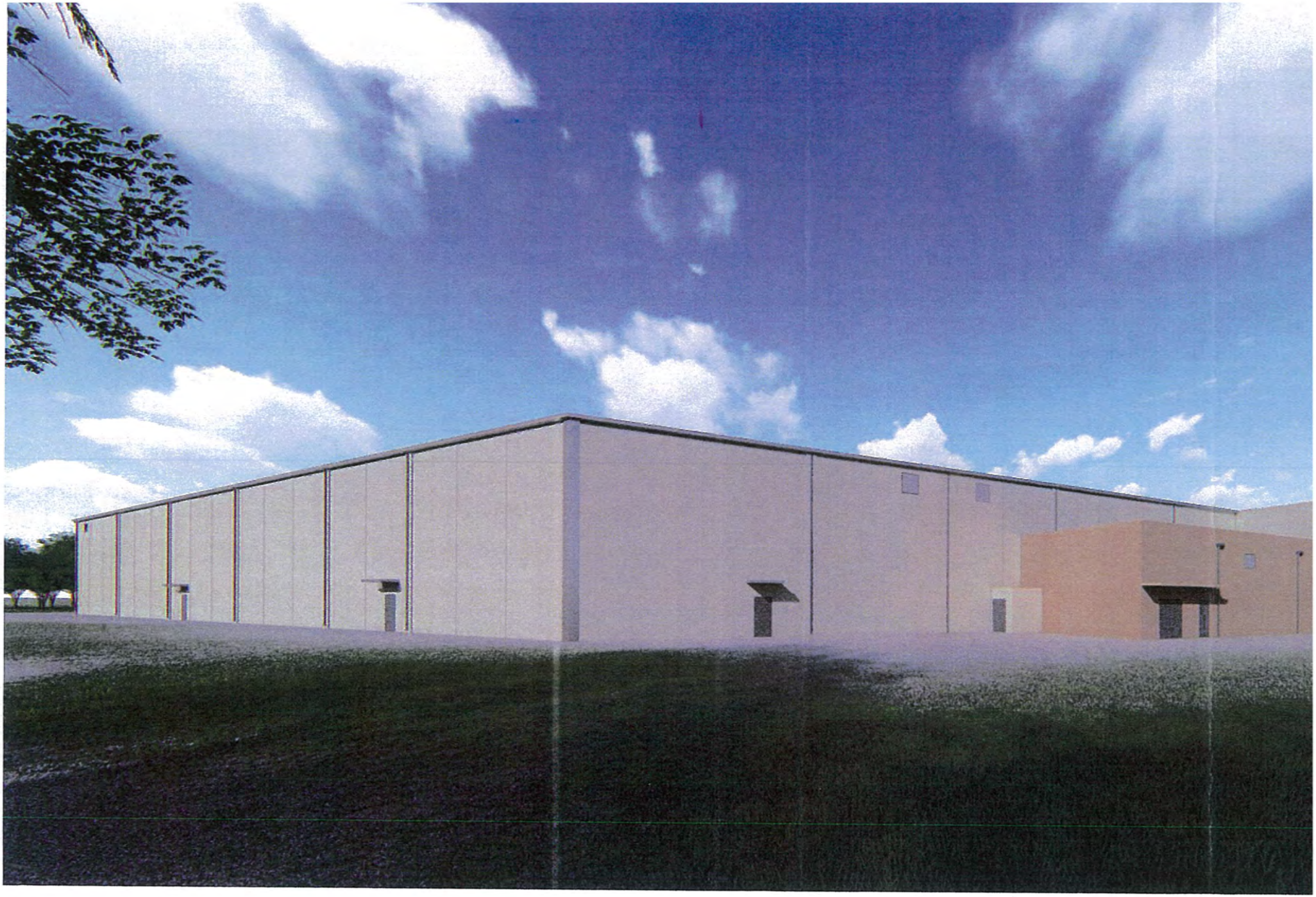
COCO WAREHOUSE 3D RENDERING

PUI COCO DRY & COLD STORAGE FACILITY 04/08/19

DESIGN PARTNERS INCORPORATED

Doc. No. 35GL-19-0991.


Untitled Map
Legend
Continental Hanger – Over 40'
AIC Building – Over 40'
PUI Building Location
Guam Main Post Office
DOE Building – Over 30'
Google earth
N



COCO WAREHOUSE 3D RENDERING

PUI COCO DRY & COLD STORAGE FACILITY 04/08/1

Doc. No. 35GL-19-0991.

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)

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

April 12, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Acting Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2019-09 (Zone Variance)

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):
DLM recommends approval with the following conditions;

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

B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"***.

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

GUAM POWER AUTHORITY (GPA):
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.

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks.Authority (GWA) has reviewed the applicant's request for a height zone variance for a maximum structure height of 43 feet.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure 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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense. –

GWA has no objection to the height zone variance request.

Standard development requirements are listed below.

1. The zone variance application identifies an existing sewer main on the subject lot. Easements are reserved for water and sewer utilities on Tiyan.

   Future construction should not occur over water and sewer infrastructure. Any proposed changes to 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 utility rights of way/easements, as appropriate; and (d) be at the developer's expense.

   Access to water and sewer utility infrastructure should not be obstructed or restricted either during or after construction.

2. GWA is reviewing the building permit application for a water main extension to serve the proposed development. The water main extension 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 permit application will be contingent upon the completion of offsite 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.

3. Future building permit applications for onsite structures shall include water demand, fire-flow requirements, and sewer production calculations. Considerations for water demand should include any vehicle washing and refrigeration/air conditioning system demands. See attached Guam Administrative Rules and Regulations, Title 28, Chapter 2, Article 1 §2117 regarding refrigeration and air conditioning equipment.

   GWA and the applicant's engineering firm are having discussions about the water system's available capacity. The capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department also include applicable GWA standards and requirements.

4. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

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.

8. Private-owned pumps shall be located downstream of a privately-owned water tank.

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

10. 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/car wash activities.

11. Only wastewater shall be discharged to the sanitary sewer system. Stormwater discharge to the sanitary sewer system is prohibited.

12. 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, food service and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Mauryn McDonald, P.E., GWA Permits and New Area Development Supervisor (#300-6054 or maurynm@guamwaterwork.org) for water and sewer system standards or additional information.

GUAM ADMINISTRATIVE RULES AND REGULATIONS
TITLE 28. PUBLIC UTILITIES
CHAPTER 2. GUAM WATERWORKS AUTHORITY
ARTICLE 1. RATES AND SERVICES

§ 2117. Refrigeration and Air Conditioning Equipment

(a) New installation or replacement installation of refrigeration or air conditioning equipment requiring the use of water from the public water system shall be made only after a permit authorizing such installation has been issued by GWA. Before a permit is issued the owner shall inform GWA in writing of the make, type, horsepower and tonnage of installation, the minimum and maximum water requirements, the name and address of the applicant, the location of the premises where the unit is to be installed and such additional information regarding the proposed installation as may be required by GWA.

(b) Any water-using unit of refrigeration or air conditioning equipment of small size shall be equipped with an automatic water-regulating device and/or water-conserving device which will limit the total flow of water to six gallons per minute momentary actual load or 2 gallons per minute per ton of refrigeration, whichever is the less, and which will automatically stop the flow of water when the unit stops.
(c) Any large size water-using unit of refrigeration or air conditioning equipment shall be equipped with a water conserving device which will (a) limit the flow of water to not more than 0.2 gallon per minute per ton of refrigeration, actual load, and (b) automatically stop the flow of water when the unit is shut down.
(d) For the purpose of these regulations a unit of less than 25 tons rated capacity shall be considered a small unit.
(e) Where several units serve the same premises, their combined capacity shall be considered to be the capacity of the unit.
(f) All installations of water-using refrigeration and air conditioning equipment, regardless of capacity, which are to be served by the public water system must conform with all other applicable Rules and Regulations.
(g) Where refrigeration or air conditioning equipment not requiring the use of water in the process is available for a new or replacement installation, GWA may require the use of such equipment, in the interest of water conservation, as a condition for issuing a permit.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

The staff of this Agency has reviewed the application and does not have any objection to the proposed zone variance for height provided the owner/developer and contractor complies with all relevant laws and regulations administered by GEPA and if the following concerns related to the proposal (as reviewed) are addressed:

A. Stormwater and Erosion Control
   1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.

B. Wellhead Protection
   1. The proposed development must be connected to public sewer.

   2. Subsurface disprisal of stormwater runoff is prohibited within 300 feet o nearby production well NAS-1.

Surface disposal of stormwater runoff ("ponding basins") within this zone is restricted to rooftop runoff and runoff from stabilized portions of the property where no active use or material storage is occurring. Runoff from parking, loading, and other developed ground surfaces must be directed to a best management practice (BMP) meeting all applicable requirements of the 2006 CNMI and Guam Stormwater Management Manual located as far as practicable from the well.

Should you have any questions please contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at 3004779.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR reviewed the subject Height Variance Application for Lot 5201-1-3, Tiyan, Barrigada, and have no objection to the approval of the Height Variance Application.

DEPARTMENT OF AGRICULTURE (DoAg):
Agriculture has reviewed the subject lot and application for a "Zone Variance" request in a" M-1 Light Industrial" for a height variance on the construction of a cold storage warehouse building. Current zoning laws allow for a maximum of 30'. The warehouse structure proposed will have a height of 43' or 13' above the allotted height maximum. There are no impacts to agricultural usage and to any wetlands or coastal areas as such our agency will recommend approval of the proposed request for a height variance with the following statements, conditions and requirements set forth in 21 *GCA Chapter 61 Section* 61637.

As rapid development occurs on the island the destruction and removal of native tree species increases the potential for pollution and loss of Guam's Northern Aquifer and Coastal Zones. As such our agency will require the instillation of protective barriers around the entire project site to prevent any material and debris generated from the project to enter into rights of ways and adjacent properties. These barriers can include the use of construction silt screen mesh, compost socks for erosion control and construction fencing that will prevent any debris and material from reaching any roadways. The barriers must be properly installed and maintained throughout the entire duration of construction activity.

A comprehensive landscaping plan can address erosion control concerns and also provide an aesthetic appeal to the proposed warehouse usage. These natural erosion control measures and planting of indigenous tree species will also provide natural benefits to the project by providing shading, wind break capabilities, privacy, landscaping and cooling benefits. Simply re-planting and introducing native trees back into projects will allow for the protection of Guam's fragile eco-system as these plants will help filter and prevent run-off of soils, debris and other man made materials from entering our Coastal Waters and Northern Aquifer.

The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address these issues.

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 Agricultural Development Services division cart also provide vetiver grass to project applicants to incorporate for erosion control on farms as well as developments that occur in areas that are prone to high impact erosion.

DEPARTMENT OF PUBLIC WORKS (DPW):

The Department of Public Works has completed its review of the subject application and has no objection to the request provided the modern cold storage warehouse will have no environmental effect or create a negative impact by its use to the areas.

The Department of Public Works recommends approval, subject to the comments provided by the Application Review Committee (ARC). A building permit is required with a complete set of design drawings in conformance of the latest building code edition and stamped by a registered engineer or architect.

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under SGCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau herby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicant, Pacific Unlimited Inc. (PUI). requests for a height variance application for the construction of a cold storage warehouse facility in an "M-1" Light Industrial Zone within the Municipality of Barrigada.

The applicant proposes to construct a 90,000 square foot cold storage warehouse facility which will stand forty-three feet (43') high in an area directly behind the Guam Main Facility located in Tiyan.

The subject lot is 7.52 acres or 327,524 square feet and is accessed via Mariner Avenue and Purple Heart Memorial Highway which functions as the main access. The activity and general composition of the surrounding location **is** a mixture of private businesses, federal government offices, GovGuam entities, NGO chemical treatment in-house facility, and educational institution. Basic infrastructure such as water and power including sewer are readily available.

Landscape Assessment

This property is located on the Agana Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, shows this watershed **has changed by** 10.52% due to increased impervious surfaces.

In terms of development impacts, 50.59% of the Agana Watershed is developed and **30.91% is** impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will **likely** experience negative impacts to water quality. Severe degradation **can be expected when rates reach 25 percent.**

Effects Test Review and Analysis and Conditions

Land Use. According to Public Law 30-244, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The property is identified as "Industrial Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (g):

> *"Industrial lands are those lands designed for a variety of industrial uses and agriculture, commercial and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The Industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation facilities, for the protection of runway safety and clear zones, and the protection of public safety. Mineral extraction is also permitted in the industrial designation. Prior to development, mineral resources uses must demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative assessment considerations. Residential development."*

This project is consistent with the North and Central Guam Land Use **Plan's future land use map, as** well as Ch. 7.2 Goal I-1. Policy 1-1, *Recognize that new development must occur in conjunction with adequate infrastructure to provide the services required by the development.*

Moreover, the project is consistent with Ch. 7.2 Goal 12, Policy 1-11 *to minimize installation and ongoing maintenance and replacement costs, encourage development near existing infrastructure prior to new development in unserved areas. In new development, encourage compact development patterns to minimize capital investments and operating costs.*

Resource Policy,

Executive Order 78-37, **(C) Resource Policy,** (C) Water **Quality states that "Safe drinking water** shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas." The Guam Territorial Seashore Protection Act (21 GCA Ch. 63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas while the Water Pollution Act (10 GCA Ch. 47) is in place to protect the Northern Guam Lens Aquifer (NGLA). The property is located on the boundary of Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island's population. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply or nearshore area.

The applicant must 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.

As mentioned earlier, 30.91% of this watershed is impervious, in which any additional development will add to the hydrologic and hydraulic dynamics within the Hagatna basement drainage basin. The alteration of vegetated areas to 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. Therefore, the Bureau recommends that the GLUC require the following conditions:

a. Comply with the CNMI Guam Stormwater Management Manual Standards
b. Implement Island BMP Specification #2: Island Bioretention*
c. Implement Island BMP Specification #3 Permeable Parking and Walkways*
d. Implement Island BMP Specification #4 Rainwater Harvesting*

*Concepts, design and performance standards can be found in the following two GCMP publications 1) Island Stormwater Practice Design Specifications Manual and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing **LID.**

Executive Order 78-37, (C) Resource **Policy, (F)** Visual Quality states "Preservation and enhancement of, and respect for the island scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws; visually objectionable uses shall be located to the maximum extent practicable, so as not to degrade significantly views from scenic overlooks, highways, and trails." Based on Guam law, the proposed construction would be non-conforming according to 21 GCA Chapter 61, Section 61616, for the height variance.

This project is consistent with the North and Central Guam Land Use Plan's future land use map and will have no effect on island scenic resources.

Recommendation and Decision

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the height variance application with conditions for an additional thirty-three feet (33') above the codified thirty feet (30') limitation as set out in the zoning code of Territory of Guam. If any of the Bureau's conditions are not met, then this position statement is to be interpreted as a recommendation for disapproval.

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

DEPARTMENT OF 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.

Celine L. Cruz

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

GUAM POWER AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 14 2019
CLTC/GALC/GLDC

January 8, 2019

MEMORANDUM

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

From: General Manager

Subject: Lot 5202-1-3, Municipality of Barrigada, (Pacific Unlimited Inc.); Zone Variance Application for a Height Variance of forty-three feet (43') and to build a cold storage warehouse facility. **Application No. 2019-09**

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 development 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

1/15/19

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Pacific Unlimited Inc.
Location: Lot 5202-1-3, Barrigada
Type of Application: Zone Variance for a Height Variance of forty-three feet (43').
GLUC/GSPC Application No. 2019-09
Brief Project Description:
To build a cold storage warehouse facility.

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

1/11/19
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 may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

The Honorable
LOURDES A. LEON GUERRERO
Maga' Håga · Governor

The Honorable
JOSHUA F. TENORIO
Sigundo Maga' Låhi • Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
JESSE G. GARCIA
Acting Director
ARTEMIO "RICKY" HERNANDEZ
Acting Deputy Director

MEMORANDUM

RECEIVED 2/27/19

TO: Director, Department of Land Management

FROM: Acting Director, Department of Public Works

APPLICATION: 2019-09

APPLICANT: Pacific Unlimited Inc.

POSITION STATEMENT: Zoned Light Industrial ("M-1"), Lot No.: 5202-1-3, Barrigada

Buenas yan Hafa Adai!

Applicant intends to build a 90,000.00 square feet storage warehouse facility on the above subject lot. The current industry building requirements for modern cold storage warehouse have a design features to achieve the maximum storage density needed for efficient operations and energy consumption. The total lot area is approximately 30,428 square meters or 327,524 square feet located in the Municipality of Barrigada.

The Department of Public Works has completed its review of the subject application and has no objection to the request provided the modern cold storage warehouse will have no environmental effect or create a negative impact by its use to the areas.

The Department of Public Works recommends approval, subject to the comments provided by the Application Review Committee (ARC). A building permit is required with a complete set of design drawings in conformance of the latest building code edition and stamped by a registered engineer or architect.

Should you have any questions, please contact Ms. Linda Ibanez, In-Charge of CIP or Maryrose M. Wilson, Engineer III, at the Division of Capital Improvement Projects @ (671) 646- 3117.

Dangkulu na Si Yu'os Ma'ase!

JESSE G. GARCIA

Attachment: (See 2nd page for conditions and notations).
Mrwilson/jjt: 2/23/19

2/26/19

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the applicant's request with the following conditions and notations:

Application No.: 2018-09

1. STORM WATER DISPOSAL
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No runoff permitted 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).
   NOTE: The location of the proposed storage area is nearby the school area and must consider precautionary measures during the on-going construction for the students safety during school hours.

3. PARKING REQUIREMENTS
   Show parking layout and detail of parking stalls (compact, standard and accessible stalls) and must meet the American Disability Act (ADA) requirements.
   NOTE: Staff parking area shall be separated from loading and unloading area.

4. ACCESS ROAD
   The egress and ingress should 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. FLOOD ZONE
   (If it is a flood zone area)
   The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meets the current Federal Emergency Management Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.

6. SOLID WASTE
   Provide amenities for solid waste disposal (private or public) services.

7. OTHERS
   Comply with all the Geotechnical requirements related to site preparations.
   Ecological planning is needed to ensure the conservation of its resources.
   Storage should be well insulated.
   Provide adequate external lighting and perimeter fencing.
   Provide an emergency standby generator in case of power outage.

Department of Agriculture
Dipåttamenton Agrikottura

Lourdes A. LeonGuerrero
Governor

Joshua F. 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

Chelsa Muna-Brech
Director

February 22, 2019
Memorandum

RECEIVED 2-25-19

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 Variance" request in an "M-1 Light Industrial to allow for a "Height Variance" for application 2019-09 on Lot 5202-1-3 Located in Tiyan . (Pacific Unlimited Inc.).**

Agriculture has reviewed the subject lot and application for a "Zone Variance" request in a" M-1 **Light Industrial"** for a height variance on the construction of a cold storage warehouse building. Current zoning laws allow for a maximum of 30'. The warehouse structure proposed will have a height of 43' or 13' above the allotted height maximum. There are no impacts to agricultural usage and to any wetlands or coastal areas as such our agency will recommend approval of the proposed request for a **height variance** with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637.*

As rapid development occurs on the island the destruction and removal of native tree species increases the potential for pollution and loss of **Guam's Northern Aquifer** and **Coastal Zones.** As such our agency will require the instillation of protective barriers around the entire project site to prevent any material and debris generated from the project to enter into rights of ways and adjacent properties. These barriers can include the use of construction **silt screen** mesh, compost socks for erosion control and construction fencing that will prevent any debris and material from reaching any roadways. The barriers must be properly installed and maintained throughout the entire duration of construction activity.

A comprehensive landscaping plan can address erosion control concerns and also provide an aesthetic appeal to the proposed warehouse usage. These natural erosion control measures and planting of indigenous tree species will also provide natural benefits to the project by providing shading, wind break capabilities, privacy, landscaping and cooling benefits. Simply re-planting and

introducing native trees back into projects will allow for the protection of Guam's fragile eco-system as these plants will help filter and prevent run-off of soils, debris and other man made materials from entering our **Coastal Waters** and **Northern Aquifer.**

The **Department of Agriculture** has several programs and personnel that can assist you in developing a plan to address these issues.

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 Agricultural Development Services division can also provide vetiver grass to project applicants to incorporate for erosion control on farms as well as developments that occur in areas that are prone to high impact erosion.

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

Chelsa Muna-Brecht

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. 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

Tyrone J. Taitano
Acting Director

MAR 07 2019

MEMORANDUM

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAR 07 2019
3:49
CLTC/GALC/GLUC

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Director, Bureau of Statistics and Plans

SUBJECT: **Application No.** 2019-09
Location: Lot 5202-1-3, Municipality of Barrigada
Applicant: Pacific Unlimited Inc.
Proposed Use: Height Variance in a "M-1" Light Industrial Zone

Buenas yan Håfa Adai! The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau herby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicant, Pacific Unlimited Inc. (PUI), requests for a height variance application for the construction of a cold storage warehouse facility in an "M-1" Light Industrial Zone within the Municipality of Barrigada.

The applicant proposes to construct a 90,000 square foot cold storage warehouse facility which will stand forty-three feet (43') high in an area directly behind the Guam Main Facility located in Tiyan.

The subject lot is 7.52 acres or 327,524 square feet and is accessed via Mariner Avenue and Purple Heart Memorial Highway which functions as the main access. The activity and general composition of the surrounding location is a mixture of private businesses, federal government offices, GovGuam entities, NGO chemical treatment in-house facility, and educational institution. Basic infrastructure such as water and power including sewer are readily available.

Landscape Assessment

This property is located on the Agana Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, shows this watershed has changed by 10.52% due to increased impervious surfaces.

In terms of development impacts, 50.59% of the Agana Watershed is developed and 30.91% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

Effects Test Review and Analysis and Conditions

Land Use. According to Public Law 30-244, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The property is identified as "Industrial Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (g):

> *"Industrial lands are those lands designed for a variety of industrial uses and agriculture, commercial and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The Industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation facilities, for the protection of runway safety and clear zones, and the protection of public safety. Mineral extraction is also permitted in the industrial designation. Prior to development, mineral resources uses must demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative assessment considerations. Residential development."*

This project is consistent with the North and Central Guam Land Use Plan's future land use map, as well as Ch. 7.2 Goal I-1. Policy I-1, *Recognize that new development must occur in conjunction with adequate infrastructure to provide the services required by the development.*

Moreover, the project is consistent with Ch. 7.2 Goal I 2, Policy I-11 *to minimize installation and ongoing maintenance and replacement costs, encourage development near existing infrastructure prior to new development in unserved areas. In new development, encourage compact development patterns to minimize capital investments and operating costs.*

Resource Policy

Executive Order 78-37, (C) Resource Policy, (C) Water Quality states that "Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas." The Guam Territorial Seashore Protection Act (21 GCA Ch. 63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas while the Water Pollution Act (10 GCA Ch. 47) is in place to protect the Northern Guam Lens Aquifer (NGLA). The property is located on the boundary of Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island's population. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply or nearshore area.

The applicant must 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.

As mentioned earlier, 30.91% of this watershed is impervious, in which any additional development will add to the hydrologic and hydraulic dynamics within the Hagatna basement drainage basin. The alteration of vegetated areas to 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. Therefore, the Bureau recommends that the GLUC require the following conditions:

a. Comply with the CNMI Guam Stormwater Management Manual Standards
b. Implement Island BMP Specification #2: Island Bioretention*
c. Implement Island BMP Specification #3 Permeable Parking and Walkways*
d. Implement Island BMP Specification #4 Rainwater Harvesting*

*Concepts, design and performance standards can be found in the following two GCMP publications 1) Island Stormwater Practice Design Specifications Manual and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID.

Executive Order 78-37, (C) Resource Policy, (F) Visual Quality states "Preservation and enhancement of, and respect for the island scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws; visually objectionable uses shall be located to the maximum extent practicable, so as not to degrade significantly views from scenic overlooks, highways, and trails." Based on Guam law, the proposed construction would be non-conforming according to 21 GCA Chapter 61, Section 61616, for the height variance.

This project is consistent with the North and Central Guam Land Use Plan's future land use map and will have no effect on island scenic resources.

Recommendation and Decision

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the height variance application with conditions for an additional thirty-three feet (33') above the codified thirty feet (30') limitation as set out in the zoning code of Territory of Guam. If any of the Bureau's conditions are not met, then this position statement is to be interpreted as a recommendation for disapproval.

As government officials, it is our primary responsibility to ensure that the proposal 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'.***

TYRONE J. TAITANO
Acting

Cc: DPW
GPA
GEPA
DPR
DOAg

Lourdes Leon Guerrero
Governor
Joshua 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

Richard Ybanez
Acting Director
Victor Villagomez
Acting Deputy Director

In reply refer to:
RC2017-0025

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 13 2019
CLTC/GALC/GLHC

January 23, 2019

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DLM Application: 2019-09, Zone Variance; Height
Lot 5202-1-3, Municipality of Tiyan, Barrigada
Applicant: Pacific Unlimited Inc.; Michael Limtiaco, Vice President
Rep. by: Michael Limtiaco
Case Planner: Frank Taitano

We reviewed the above subject DLM Height Variance Application for Lot 5202-1-3, Tiyan, Barrigada, and we have no objection to the approval of this Height Variance Application.

Please do not hesitate to contact our office should you have any questions.

Sincerely,

R. Ybanez

Richard Ybanez
Acting

AHENSIAN PRUTEKSION LINA'LA GUÅHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR
WALTER S. LEON GUERRERO, ADMINISTRATOR

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 16 2019
CLTC/GALC/GLUC

JAN 16 2019

Ta Oh,
Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913

Ref: Application No. 2019-09, request for a Zone Variance for Height, for the proposed construction of a warehouse facility with a height of 43-feet, on Lot 5202-1-3, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano

The staff of this Agency has reviewed the application and does not have any objection to the proposed **zone variance for height** provided the owner/developer and contractor complies with all relevant laws and regulations administered by GEPA and if the following concerns related to the proposal (as reviewed) are addressed:

A. Stormwater and Erosion Control

1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.

B. Wellhead Protection

1. The proposed development must be connected to public sewer.

2. Subsurface disposal of stormwater runoff is prohibited within 300 feet of nearby production well NAS-1. Surface disposal of stormwater runoff ("ponding basins") within this zone is restricted to rooftop runoff and runoff from stabilized portions of the property where no active use or material storage is occurring. Runoff from parking, loading, and other developed ground surfaces must be directed to a best management practice (BMP) meeting all applicable

requirements of the 2006 CNMI and Guam Stormwater Management Manual located as far as practicable from the well.

Should you have any questions please contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at 300-4779.

WALTER S. LEON GUERRERO
Administrator

1-25-19.

GUAM WATERWORKS AUTHORITY

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

MEMORANDUM

January 18, 2019

TO: Paul Santos, Acting Director, Department of Land Management

CC: Mayor June Blas, Municipality of Barrigada
(mayorbarrigada@gmail.com)

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

SUBJECT: Position Statement on Height Zone Variance Application No. 2019-09 for Lot 5202-1-3 in the Municipality of Barrigada

APPLICANT: Pacific Unlimited, Inc.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a height zone variance for a maximum structure height of 43 feet.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure 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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

GWA has no objection to the height zone variance request.

Standard development requirements are listed below.

1. The zone variance application identifies an existing sewer main on the subject lot. Easements are reserved for water and sewer utilities on Tiyan.

   Future construction should not occur over water and sewer infrastructure. Any proposed changes to 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 utility rights of way/easements, as appropriate; and (d) be at the developer's expense.

Access to water and sewer utility infrastructure should not be obstructed or restricted either during or after construction.

2. GWA is reviewing the building permit application for a water main extension to serve the proposed development. The water main extension 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 permit application will be contingent upon the completion of offsite 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.

3. Future building permit applications for onsite structures shall include water demand, fire-flow requirements, and sewer production calculations. Considerations for water demand should include any vehicle washing and refrigeration/air conditioning system demands. See attached Guam Administrative Rules and Regulations, Title 28, Chapter 2, Article 1 §2117 regarding refrigeration and air conditioning equipment.

   GWA and the applicant's engineering firm are having discussions about the water system's available capacity. The capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department also include applicable GWA standards and requirements.

4. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

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.

8. Private-owned pumps shall be located downstream of a privately-owned water tank.

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

10. 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/car wash activities.

11. Only wastewater shall be discharged to the sanitary sewer system. Stormwater discharge to the sanitary sewer system is prohibited.

12. 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, food service and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Mauryn McDonald, P.E., GWA Permits and New Area Development Supervisor (#300-6054 or maurynm@guamwaterwork.org) for water and sewer system standards or additional information.

GUAM ADMINISTRATIVE RULES AND REGULATIONS
TITLE 28. PUBLIC UTILITIES
CHAPTER 2. GUAM WATERWORKS AUTHORITY
ARTICLE 1. RATES AND SERVICES

§ 2117. Refrigeration and Air Conditioning Equipment

(a) New installation or replacement installation of refrigeration or air conditioning equipment requiring the use of water from the public water system shall be made only after a permit authorizing such installation has been issued by GWA. Before a permit is issued the owner shall inform GWA in writing of the make, type, horsepower and tonnage of installation, the minimum and maximum water requirements, the name and address of the applicant, the location of the premises where the unit is to be installed and such additional information regarding the proposed installation as may be required by GWA.
(b) Any water-using unit of refrigeration or air conditioning equipment of small size shall be equipped with an automatic water-regulating device and/or water-conserving device which will limit the total flow of water to six gallons per minute momentary actual load or 2 gallons per minute per ton of refrigeration, whichever is the less, and which will automatically stop the flow of water when the unit stops.
(c) Any large size water-using unit of refrigeration or air conditioning equipment shall be equipped with a water conserving device which will (a) limit the flow of water to not more than 0.2 gallon per minute per ton of refrigeration, actual load, and (b) automatically stop the flow of water when the unit is shut down.
(d) For the purpose of these regulations a unit of less than 25 tons rated capacity shall be considered a small unit.
(e) Where several units serve the same premises, their combined capacity shall be considered to be the capacity of the unit.
(f) All installations of water-using refrigeration and air conditioning equipment, regardless of capacity, which are to be served by the public water system must conform with all other applicable Rules and Regulations.
(g) Where refrigeration or air conditioning equipment not requiring the use of water in the process is available for a new or replacement installation, GWA may require the use of such equipment, in the interest of water conservation, as a condition for issuing a permit.

BARRIGADA

Municipal Planning Council
April 24, 2019

Resolution No. 2019 – 002

Chairman and all members of the Barrigada Municipal Planning Council

Relative to expressing the support of the Municipal Planning Council on Application No. 2019-09, Zone Variance (Height) for Lot No. 5202-1-3, in the Municipality of Barrigada.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, on Tuesday, April 9, 2019, a DLM public hearing was held at the Barrigada Mayor's Office to hear the Zone Variance request by Pacific Unlimited, Inc. on Lot No. 5202-1-3, in the Municipality of Barrigada (Application No. 2019-09); and

WHEREAS, it was explained and justified by applicant representative Mr. Michael Limtiaco, that the request is for a height variance to construct a 43-foot high cold storage warehouse facility (13 feet above the allowed 30-foot height); now therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council having reviewed the zone variance request and exercising its rights and privileges, does hereby express its support and endorses the zone variance request submitted by the landowner through his representative; and be it further

RESOLVED, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to Mr. Michael Limtiaco, representative of the landowner; to the Executive Secretary of the Guam Land Use Commission; to the Director of the Department of Land Management; and to the Executive Director of the Mayors Council of Guam;

DULY AND REGULARLY ADOPTED ON THE 24th DAY OF April 24, 2019.

JUNE U. BLAS
Mayor and Chairman

JESSIE P. BAUTISTA
Vice Mayor

THERESE B. MAZZEI
MPC Member and Council Secretary

ATTACHMENT C

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

April 12, 2019

MEMORANDUM

To: Acting Chairman, Guam Land Use Commission

From: Acting Guam Chief Planner

Subject: Staff Report - Application No. 2018-28

1. PURPOSE:

a. **Application Summary:** The applicant, Pacific Land Holdings LLC, represented by Taniguchi Ruth Makio Architects, is requesting approval of a Zone Change from "A" (Agricultural) to "R-2" (Multi-Family Dwelling) for the development of a 64 unit, multi-family residential complex on Lot No. 2244-R2, Municipality of Barrigada.

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

2. FACTS:

a. **Location:** The subject lot is located in along the southern side of Route No. 8a in Radio Barrigada, west of the Admiral Nimitz golf course.

b. **Lot Area:** 38,488 Square Meters or 414,281 Square Feet.

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

c. **Field Description:** The site is presently vacant, and is presently overgrown with various types of ground cover vegetation, small bushes and a canopy of various types of trees.

e. **Masterplan:** Undesignated

f. **Community Design Plan:** Undesignated

g. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: June 21, 2018

b. Date Heard By ARC: August 2, 2018

c. Public Hearing Results: March 19, 2019
(See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

The applicant's request is for a zone change approval of Lot 2244-R2, Municipality of Barrigada from "A" (Agricultural) to "R-2" (Multi-Family Dwelling) zone for the proposed development of a 64 unit, multi-family residential complex.

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

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

1. Public Convenience:

Barrigada is centrally located and conveniently accessible from schools, business hubs in Tamuning and Hagatna, airport, clinics and markets. Because Barrigada is already an established village hub with housing, schools, infrastructure, mass transit, businesses, clinics, restaurants, single family housing and multi-family housing - it is ideally suited to integrate additional affordable housing.

2. Public Necessity:

Public necessity for good quality affordable rentals is vital for both Barrigada and Guam. This zone change helps redirect development away from the North and potential burden on the Northern Aquifer.

3. General Welfare:

Smart Growth planning principles advocate developing additional neighborhood provisions by expanding on existing established villages and centers where existing roads can be used, existing infrastructure can be easily expanded and improved all without sacrificing pristine land that serves (and conserves) natural resources and open space elsewhere on the island.

In our analysis planning staff finds that the proposal to change the designated zone of the site accommodates a development trend from vacant lands to residential and community type commercial support uses which will extend the adequate infrastructures into the area to serve the growth of the area and from a planning perspective, we support the applicant's position that the proposed development is the best use of the subject property.

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

5. **RECOMMENDATION:** Planning staff recommends Approval subject to the ARC Permitting Agencies' Position Statement.

Celine L Cruz

Attachments: ARC Position Statement Summary

Case Planner: F. Taitano

Minutes of Public Hearing

Application No. 2018-28, Zone Change from "A" (Agricultural) to "R-2" for the development of a 64 unit, multi-family residential complex on Lot No. 2244-R2, Municipality of Barrigada.

On March 19, 2019, a public hearing was conducted at the Barrigada Mayor Office/Community Center, present was the applicant's representatives, the Vice Mayor, a member of the Barrigada Municipal Planning Council and nine public attendees.

The meeting was called to order at 6:05pm by case planner. After a brief introduction and explanation of the application and the public hearing process, the floor was turned over to the applicant's representative, Mr. Michael Makio. Mr. Makio presented the scope of the proposed project for 64 residential units in a multi-family layout consisting of 4 two-story buildings clustered around a small courtyard with interconnecting walkways, parking, play areas, open spaces, ponding basins and use of pervious asphalt in selected areas. Mr. Makio also described the feedback received from GWA, GPA, EPA, DPW, DPR/SHPO, DoAg and BSP and reviewed concerns from BSP about the effects of recharging the aquifer- and pointed out that the proposed layout for the space only utilizes 64 units in a two-story configuration resulting in a net footprint of only 32 residence on the site (29 %) vs the assumed lot coverage of the site using the allowable setbacks for a 5000 sf parcel - which is allowed in this zone without a zone change and would result in significantly more paved surfaces and limitations to ground water recharge. Additionally, the requirements for storm water management on site are required and regulated by building permit so compliance is mandatory.

After his presentation the floor was open for discussion and questions as noted below;

Q. Mr.Jose Garrido noted that his family has property adjacent to the proposed site and asked if there was a plan to widen the existing bull cart easement for the access road?
A. Mr. Makio responded that the planners were studying the question. Several segments of the 40' easement had already been established along the access road by various land owners who supported the easement for access and utilities to their properties.

Q. Mr Jose Garrido asked if there was a plan for a government taking along the bull cart trail that abuts their property?
A. Mr. Makio referred the question to the case planner and he responded, that he is not aware of a plan for a government taking along the existing bull cart trail, that the severance of a twenty-foot easement from the center line of the bull cart trail is applied to properties being divided and using the bull cart trail as their public access and utility right of way easement.

Comment: Mr. Jose Garrido commented that the property owners should be compensated for any taking for an easement.

Comment: Property owner commented that maybe the developer should establish an access from Route 15.

Comment: Vice Mayor Bautista commented that the discussion about installing a new road to the east of the site and accessing from Mangilao was not possible as the Mayor's office had studied that option extensively but were unsuccessful because of federal land that interrupted the path.

Minutes of Public Hearing
Application No. 2018-28 (Zone Change)
Lot No. 2244-R2
Municipality of Barrigada

Comment: Mr. William Long commented on the traffic conditions at the Price Elementary School during the time for pick-up and drop off, he also noted that the traffic congestion is the same at the Route 10, 16 and Route 8 intersection.

Q. Mr. William Long ask if the influx of children in the vicinity would cause any burden load to schools within the area. He expressed that if there are 64 families all with 5 children that they could be looking at upward of 300 students for P.C. Elementry.

A. Mr. Makio responded that they will factor the amount of children going into the schools within the vicinity. He noted that the entirity of the children would not only go to one school and that there is usually a distribution of children going to elementry, middle and highschool.

Comment: Mr. Pedro Guerrero suggested having a road that will connect to Mangilao be provide so that there is access and infrastructure to the landlocked areas near the property.

Comment: Mr. Pedro T. commented that he only has three concerns, traffic, power and water, that the developer should address this to prevent any impact to the exist system.

Comment: Mr. Amon Guerrero commented that has concerns about the increase on traffic and congestion on the Route 10, 8 and 16 inter-section, the flooding problem in the area, the low water problem and recommend that the developer address this issues before he develops his property.

After a lengthy discussion on the access from Mangilao and Barrigada, the former golf course facility and former use of property and location of the attendees' properties, calls to the attendees for any comments or concerns by case planner and no further concern or question was put forth by the attendees, case planner thanked those in attendance for taking the time to attend the public hearing.

There being no further questions or concerns the case planner adjourned the meeting at 6:45 P.M.

Frank P. Taitano
Case Planners

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

April 12, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2018-28 (Zone Change)

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

DEPARTMENT OF LAND MANAGEMENT (DLM):
Recommends approval subject to the ARC Permitting Agencies Position Statement.

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

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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:
No existing GPA power lines to support this area. A consent and approval may be needed from the Navy for GPA to support the additional load through the use of Navy electrical facilities.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR submits the following;
"We reviewed the subject application and determined that the Zone Change may adversely affect historic properties that are within or around the subject lot. Although we have no objection to the approval of this Zone Change Application, we will be issuing a Certificate of Approval (COA) when we receive the permit to conduct an archaeological investigation including mitigating potential adverse effects to historic properties that are located within the area of potential effect (APE). The APE falls within the Barrigada Battlefield (GHPI site 66-04-1059), and two other recorded sites located on the property.

DEPARTMENT OF PUBLIC WORKS (DPW):
The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions are met: Attached herewith are comments on the subject application.

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

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the applicant's request with the following conditions:

1. **STORM WATER DISPOSAL**
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No runoff permitted in the surrounding properties or the streets.

2. **TRAFFIC GENERATIONS**
   A traffic impact analysis /study must be coordinated with DPW, Division of Highways (traffic control section).

3. **PARKING REQUIREMENTS**
   Show parking layout 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, sidewalk should 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 meets the current Federal Emergency Management 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 compositions (public or private) services.

9. **TRANSPORTATION**
   To coordinate with DPW, Bus Operations Division 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.

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under SGCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 9626, the Bureau herby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicant, Pacific Land Holdings, LLC, represented by Taniguchi Ruth Makio Architects, requests a Zone Change from "A" Rural Zone to "R-2" Multiple Dwelling Zone to construct a 64-unit apartment residences on Lot 2244-R2, Municipality of Barrigada, complete with parking, onsite security, and recreational areas that will include sports courts and barbeque pavilions.

The property encompasses 9.51 acres or 414,281 square feet and can be accessed through Route 8. The property was part of the returned Federal Excess Lands included in the "Findings of Sustainability for Early Transfer" and most recently part of the Admiral Nimitz Golf Course grounds. The surrounding land uses include government buildings, restaurants, private businesses, religious centers, schools, and single family dwellings. Basic infrastructure such as water and power including sewer is available and located 100 feet from the proposed development.

Landscape Assessment

This property lies on the boundary of the Northern Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, it shows this watershed has changed due to increased impervious surfaces.

In terms of development impacts, 23.41% of the Mangilao Watershed is developed and 10.05% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

Effects Test Review and Analysis and Conditions

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The property is identified as "Very Low Density Residential" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (a):

> *"This residential designation provides for a very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long term viability and health of the Northern Aquifer. VLD Residential densities should generally be no more than one unit per acre. Non-residential development such as continued agricultural uses should be subject to specific criteria and standards to ensure protection of the Northern Aquifer."*

Pacific Land Holdings, LLC, proposes to construct the Talo Isa multi-family apartment residences consisting of 8 2-storey structures on 9.51 acres of undeveloped land that is classified as VLD Residential. The application does not conform to the Guam Urban Development Policy, Land Use Plans, and Zoning.

Resource Policy
Executive Order 78-37, (C) Resource Policy, (C) Water Quality states that "Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas." The Water Pollution Act (10 GCA Ch. 47) is in place to protect the Northern Guam Lens Aquifer (NGLA). The property is located on Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island's population. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

Recommendation and Decision
Pursuant to Appendix A § 700 (g), the Bureau hereby recommends disapproval of the zone change application.

GUAM WATERWORKS AUTHORITY (GWA):

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

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. The application proposes a controlled access entrance. 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 housing complex, then water meters shall be installed on the public right of way or easement near its entrance. All water and sewer utilities downstream of the water meters shall be the developer's responsibility to maintain and operate.

2. There are no GWA sewer lines in the vicinity of the referenced lot. The sewer lines near the lot are owned by the Navy. If the Navy is in agreement and if the existing sewer can accommodate flow from the proposed development, then it might be possible for the proposed development to connect to the Navy gravity sewer system. Coordination with GWA and the Navy is required to confirm if a sewer connection for the proposed development will be approved.

3. The area is served by the Navy Water System. The nearest GWA water main is located near P.C. Lujan Elementary School. If the developer is required to connect to the GWA water main, the developer will be responsible for the construction of all off-site utility improvements.

4. 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.

5. 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.

6. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

7. 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 permit application will be contingent upon the completion of offsite 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.

8. 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.

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

10. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

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

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

13. 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.

14. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

15. 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.

DEPARTMENT OF AGRICULTURE (DoAg):

Agriculture has reviewed the subject lot for a "Zone Change" request to allow for the construction and development of a multi-family residential units. The lot currently sits idle with little usage. This area has been used for both commercial and scientific research farming by families from this area and the University of Guam's College of Agriculture. Those activities have since stopped and the land has been fallow for several years. However, there is still ongoing agricultural usage in areas close to these lots with several commercial producers and livestock containing cattle for pastureland. Assurances must be taken to ensure that safeguards are in place not to disrupt those activities on adjacent lands.

Our agency will recommend approval of the current proposal for zone change with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637.*

Should the property owners proceed to develop the site Agriculture will require a **Biological Assessment Report** performed by a certified and/or licensed consultant versed on local and federal mandates and the identification of those protected species. The **Clearing and Grading Permits** issued through the Department of Public Works with our agency signing off on the permit will require the report to ensure the preservation and protection of those species is in place.

Should the presence of endangered species of flora and fauna be present on the site it is required that you work with our agency and partners to develop a plan and mitigation measures to ensure those species are protected through relocation and or a preserve set up as part of the overall development of the lots.

As huge portions of the lots are cleared by heavy equipment, proper mitigation measures must be in place to prevent damage to the environment and nearby land owners and residents. Any areas that present erosion issues must be fortified to prevent runoff and other materials generated by the project from entering and creating flooding and erosion on lower lots and tracts. The use of **construction silt screen mesh** must be placed and maintained in these areas throughout the duration of the project. The silt screens must be properly secured with the bottom 1/3 of the mesh buried under soil to prevent leakage occurring underneath the lining. The screens must also be staked every 3-5 feet to provide adequate support from collapsing during heavy periods of rain.

For areas that are prone to erosion our agency also recommends that a landscaping plan is developed for the housing to include trees and other flora that are already present on the site and include indigenous trees from these areas that are suited for growth and preservation. **Agriculture's Forestry and Agricultural Development Services** Division's ***demonstration farm*** both have seedling stock that can be provided to developers and residents to use for preservation and environmental sustainability concerns. These consist of indigenous trees and ***vetiver reed grass*** that are used for erosion control, windbreaks, shading and landscape aesthetics. 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.

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.

Large clearing of these tracts of land will create huge loads of organic debris that can be used for recycling into usable mulch and compost. It would be wasteful to have these materials simply discarded or left on the outskirts of the property to go unused. We recommend that the developer work with ***Pacific* Top Soils & Composting at 473-4374 ext. 206** to develop a useful avenue to have these materials repurposed. In addition the storage of green waste could provide unintended habitat for invasive species to thrive causing further problems to residents and adjacent properties. To prevent this from occurring a green waste plan should be a part of the site debris removal.

By incorporating these practices you can ensure that proper development is done and maintained to preserve precious natural resources and that island residents can enjoy a safe and clean environment.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

The staff of this Agency has reviewed the application and does not have any objection to the proposed **zone change** provided the owner/developer and contractor complies with all relevant **laws and regulations administered** by GEPA **and** if the following concerns related to the **proposal (as reviewed) are** addressed:

A. Stormwater and Erosion Control

1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide **both pre- and post-construction stormwater controls meeting the requirements** of the 2006 CNMI and Guam Stormwater Management **Manual, as implemented by Executive Order No. 2012-02.**

B. Drinking Water

1. The developer must ensure that any improvements required to connect to public water supply, and to accommodate the proposed water demand, including fire fighting flow requirements, are completed before occupancy of the proposed development.

C. Wastewater

1. The proposed development must be connected to public sewer. The developer must ensure that any improvements required to connect to public sewer, and to accommodate the proposed wastewater flows, are completed before occupancy of the proposed development.

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

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

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

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

Celine L. Cruz
Acting Guam Chief Planner

Attachments: ARC Position statements
CC: Executive Secretary, GLUC


Apr 15, 2019 2:24:14 PM
NOTICE TO REZONE
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED WITH THE
GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE
APPLICATION DESCRIPTION: ZONE CHANGES FOR MULTI FAMILY DWELLINGS
OWNER: PACIFIC LAND HOLDINGS, LLC
DEVELOPER: PACIFIC LAND HOLDINGS, LLC
LOT, BLOCK, TRACT, MUNICIPALITY: LOT NO. L2244 - R2, BARRIGADA, GUAM
PROPOSED CHANGE OF ZONE: FROM "A" TO "R-2"
DATE: TIME: PLACE:
PUBLIC HEARING: 19-MAR-19 6:00PM BARRIGADA COMMUNITY CENTER
PUBLIC HEARING: 25-APR-19 1:30PM I.C. BLDG. (OLM 3RD FLOOR) HAMUNING

GUAM ENVIRONMENTAL PROTECTION AGENCY
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AHENSIAN PRUTEKSION LINA'LA GUÅHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 19 2019
CLTC/GALC/GLIC

2-25-19

Mr. Tae Oh
Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913

Ref: Application No.2018-28, request for a Zone Change from Zone "A" (agricultural) to Zone R-2 (multi-family residential), on Lot No. 2244-R2, in the Municipality of Barrigada.

The staff of this Agency has reviewed the application and does not have any objection to the proposed **zone change** provided the owner/developer and contractor complies with all relevant laws and regulations administered by GEPA and if the following concerns related to the proposal (as reviewed) are addressed:

A. Stormwater and Erosion Control

1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.

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1. The developer must ensure that any improvements required to connect to public water supply, and to accommodate the proposed water demand, including fire fighting flow requirements, are completed before occupancy of the proposed development.

C. Wastewater

1. The proposed development must be connected to public sewer. The developer must ensure that any improvements required to connect to public sewer, and to

accommodate the proposed wastewater flows, are completed before occupancy of the proposed development.

Should you have any questions please contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at 300-4779.

WALTER S. LEON GUERRERO
Administrator

Department of Agriculture
Dipåttamenton Agrikottura

Lourdes A. LeonGuerrero
Governor

Joshua F. 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

Chelsa Muna-Brecht
Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 15 2019
CLTD/GALC/GLRC

February 13, 2019
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 Application# 2018-28 from an "A" to a "R-2" on Lots 2244-R2 **encompassing 9.51 acres located in Radio Barrigada in the Municipality of Barrigada (Pacific Holdings LLC).**

Agriculture has reviewed the subject lot for a "Zone Change" request to allow for the construction and development of a multi family residential units. The lot currently sits idle with little usage. This area has been used for both commercial and scientific research farming by families from this area and the University of Guam's College of Agriculture. Those activities have since stopped and the land has been fallow for several years. However, there is still ongoing agricultural usage in areas close to these lots with several commercial producers and livestock containing cattle for pastureland. Assurances must be taken to ensure that safeguards are in place not to disrupt those activities on adjacent lands. Our agency will recommend approval of the current proposal for zone change with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637.*

Should the property owners proceed to develop the site Agriculture will require a **Biological Assessment Report** performed by a certified and/or licensed consultant versed on local and

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federal mandates and the identification of those protected species. The **Clearing and Grading Permits** issued through the Department of Public Works with our agency signing off on the permit will require the report to ensure the preservation and protection of those species is in place.

Should the presence of endangered species of flora and fauna be present on the site it is required that you work with our agency and partners to develop a plan and mitigation measures to ensure those species are protected through relocation and or a preserve set up as part of the overall development of the lots.

As huge portions of the lots are cleared by heavy equipment, proper mitigation measures must be in place to prevent damage to the environment and nearby land owners and residents. Any areas that present erosion issues must be fortified to prevent runoff and other materials generated by the project from entering and creating flooding and erosion on lower lots and tracts. The use of **construction silt screen mesh** must be placed and maintained in these areas throughout the duration of the project. The silt screens must be properly secured with the bottom 1/3 of the mesh buried under soil to prevent leakage occurring underneath the lining. The screens must also be staked every 3-5 feet to provide adequate support from collapsing during heavy periods of rain.

For areas that are prone to erosion our agency also recommends that a landscaping plan is developed for the housing to include trees and other flora that are already present on the site and include indigenous trees from these areas that are suited for growth and preservation. Agriculture's Forestry and Agricultural Development Services Division's *demonstration farm* both have seedling stock that can be provided to developers and residents to use for preservation and environmental sustainability concerns. These consist of indigenous trees and *vetiver reed grass* that are used for erosion control, windbreaks, shading and landscape aesthetics. 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. 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.

Large clearing of these tracts of land will create huge loads of organic debris that can be used for recycling into usable mulch and compost. It would be wasteful to have these materials simply discarded or left on the outskirts of the property to go unused. We recommend that the developer work with **Pacific Top Soils & Composting at 473-4374 ext. 206** to develop a useful avenue to have these materials repurposed. In addition the storage of green waste

could provide unintended habitat for invasive species to thrive causing further problems to residents and adjacent properties. To prevent this from occurring a green waste plan should be a part of the site debris removal.

By incorporating these practices you can ensure that proper development is done and maintained to preserve precious natural resources and that island residents can enjoy a safe and clean environment.

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

Chelsa Muna-Brecht
Director

GUAM WATERWORKS AUTHORITY

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



MB 8/17

MEMORANDUM

August 9, 2018

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2018-28 for Lot 2244-R2 in the Municipality of Barrigada.

APPLICANT(S): Pacific Land Holdings, LLC

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "R-2" (Multi-family) zone for the proposed development in the Municipality of Barrigada.

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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

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. The application proposes a controlled access entrance. 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 housing complex, then water meters shall be installed on the public right of way or easement near its entrance. All water and sewer utilities downstream of the water meters shall be the developer's responsibility to maintain and operate.

2. There are no GWA sewer lines in the vicinity of the referenced lot. The sewer lines near the lot are owned by the Navy. If the Navy is in agreement and if the existing sewer can accommodate flow from the proposed development, then it might be possible for the proposed development to connect to the Navy gravity sewer

9-0
12

system. Coordination with GWA and the Navy is required to confirm if a sewer connection for the proposed development will be approved.

3. The area is served by the Navy Water System. The nearest GWA water main is located near P.C. Lujan Elementary School. If the developer is required to connect to the GWA water main, the developer will be responsible for the construction of all off-site utility improvements.

4. 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.

5. 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.

6. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

7. 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 permit application will be contingent upon the completion of offsite 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.

8. 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.

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

10. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

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

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

13. 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.

14. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

15. 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.

Cc: June U. Blas, Barrigada Mayor, mayorbarrigada@gmail.com

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

MB 8/22

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
AUG 21 2018
CLTC/GALC/GLUC

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO

GLENN LEON GUERRERO
Director
ANDY LEON GUERRERO
Deputy Director

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICANT: Pacific Land Holdings, LLC

APPLICATION No.: 2018-28

SUBJECT: Zone Change from "A" (Agricultural) to "R-2" (Multi Family Dwellings)
Lot No. L2244-R2, Radio Barrigada

Buenas yan Hafa Adai!

The applicant is proposing to construct a low impact multi-family apartment residences which consist of 1 to 2 bedrooms (32 units) and 3 to 4 bedrooms (32 units) for a total of 64 units. The development will include an open space for recreational activities, ten (10) barbecue pavilions, parking stalls for each unit and guest area. The total lot area is 38,488 sq. meters or 414,281 sq. feet located in the Municipality of Barrigada.

The Department of Public Works (DPW) has completed its review of the subject application and has no objection to the request provided the following conditions are met: Attached herewith are comments on the above subject application.

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

Should you have any questions, please contact Mr. Max C. Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects @ (671) 486- 3095 or Maryrose M. Wilson, Engineer III @ (671) 646-3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

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

Doc. No. 35GL-19-0991.

8/23

ATTACHMENT

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the applicant's request with the following conditions:

Application No.:2018-28

1. STORM WATER DISPOSAL
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No runoff permitted in the surrounding properties or the streets.

2. TRAFFIC GENERATIONS
   A traffic impact analysis /study must be coordinated with DPW, Division of Highways (traffic control section).

3. PARKING REQUIREMENTS
   Show parking layout 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, sidewalk should 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 meets the current Federal Emergency Management 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 compositions (public or private) services.

9. TRANSPORTATION
   To coordinate with DPW, Bus Operations Division 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.

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

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 20 2018
11:53
CLTC/GALC/GLUC

In reply refer to:
RC2018-0735

September 6, 2018

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DLM Application No. 2018-28, Zone Change
Lot 2244-R2, Radio Barrigada, Municipality of Barrigada
Applicant: Pacific Land Holdings LLC, POC: Ho S. Eun
Authorized Rep.: TRMA + Architects
Case Planner: Frank Taitano

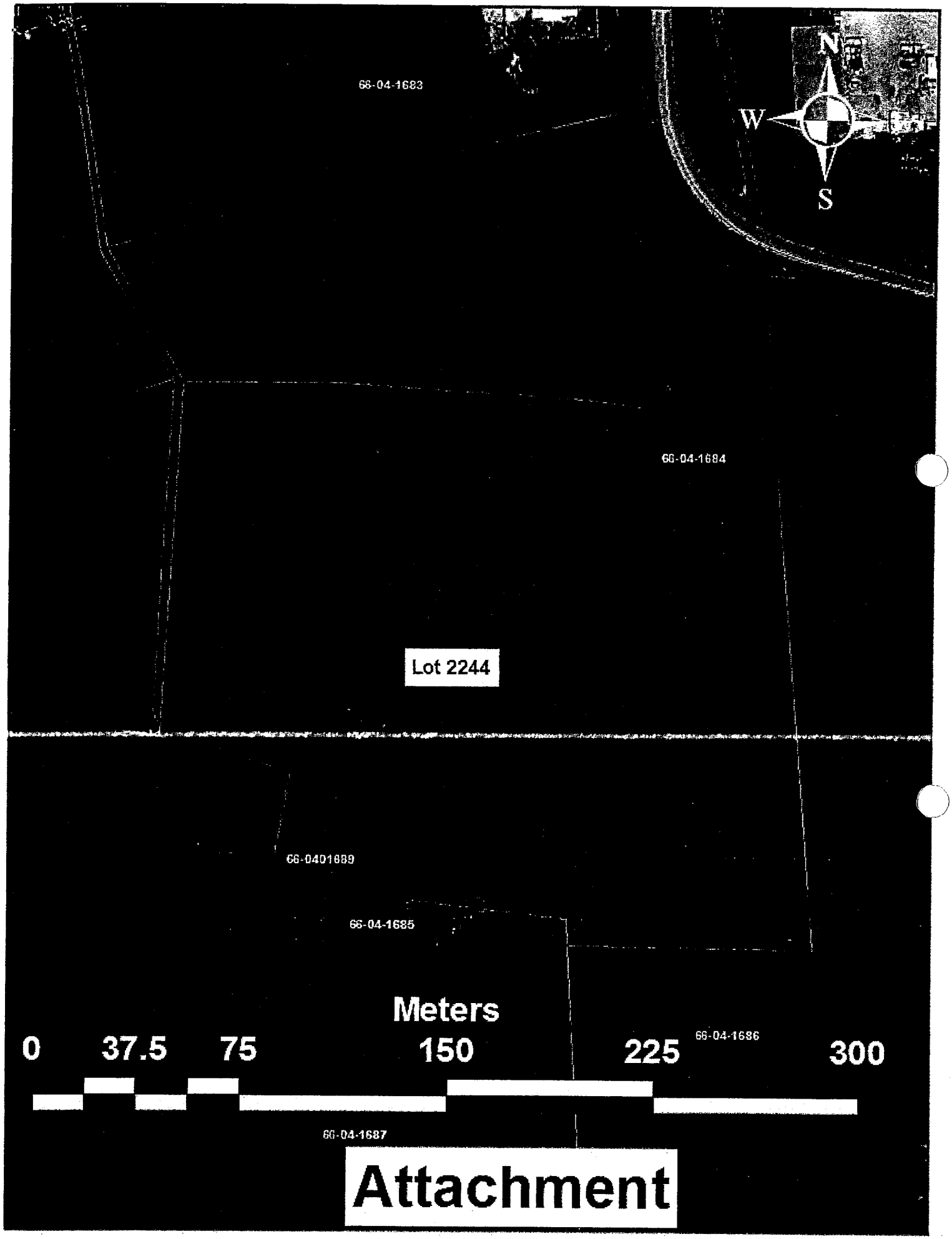
We reviewed the subject application and determined that the Zone Change may adversely affect historic properties that are within or around the subject lot. Although we have no objection to the approval of this Zone Change Application, we will be issuing a Certificate of Approval (COA) when we receive the permit to conduct an archaeological investigation including mitigating potential adverse effects to historic properties that are located within the area of potential effect (APE). The APE falls within the Barrigada Battlefield (GHPI Site 66-04-1059), and two other recorded sites located on the property.

Please do not hesitate to contact our office should you have any questions.

William N. Reyes 12 Sept 18
for

Attachment

9/24


66-04-1683
N
W
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66-04-1684
Lot 2244
66-0401689
66-04-1685
Meters
0
37.5
75
150
225
300
66-04-1686
66-04-1687
Attachment

GUAM POWER AUTHORITY

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

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

November 28, 2018 MB12/3

MEMORANDUM

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

From: General Manager

Subject: Lot 2244-R2, Municipality of Barrigada, (Pacific Land Holdings LLC); Zone Change Application from "A" (Agricultural) to "R-2" (Multi-Family Dwelling) to construct 64 unit apartments. **Application No. 2018-28**

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

3. A system impact assessment is required to determine the effect of this development 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

No existing GPA power lines to support this area. A consent and approval may be needed from the Navy for GPA to support the additional load through the use of Navy electrical facilities.

JOHN M. BENAVENTE, P.E.

ASG/arp

Q8 1/13

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Pacific Land Holdings LLC
Location: Lot 2244-R2, Barrigada
Type of Application: Zone Change
GLUC/GSPC Application No. 2018-28
Brief Project Description:
"A" to "R-2" to construct 64 unit apartments.

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

11/30/18
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities will need to be installed and existing electrical facilities may require upgrading to meet the demand of the proposed project. A consent and approval may be needed from the Navy for GPA to support the additional load through the use of Navy electrical facilities. A system impact assessment maybe required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

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

DEC 10 2018

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 11 2018
CLTC/GALC/GLUC

MEMORANDUM

TO: Director, Department of Land Management

ATTN: Division of Planning

FROM: Director, Bureau of Statistics and Plans

SUBJECT: **APPLICATION NO.** DLM 2018-28
LOCATION: Lot 2244-R2, Municipality of Barrigada
APPLICANT: Pacific Land Holdings, LLC
PROPOSED USE: Zone Change from "A" Rural Zone to "R-2" Multiple Dwelling Zone to Construct a 64-Unit Apartment Residences

Buenas yan Håfa Adai! The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26. the Bureau herby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicant, Pacific Land Holdings, LLC, represented by Taniguchi Ruth Makio Architects, requests a Zone Change from "A" Rural Zone to "R-2" Multiple Dwelling Zone to construct a 64-unit apartment residences on Lot 2244-R2, Municipality of Barrigada, complete with parking, onsite security, and recreational areas that will include sports courts and barbeque pavilions.

The property encompasses 9.51 acres or 414,281 square feet and can be accessed through Route 8. The property was part of the returned Federal Excess Lands included in the "Findings of Sustainability for Early Transfer" and most recently part of the Admiral Nimitz Golf Course grounds. The surrounding land uses include government buildings, restaurants, private businesses, religious centers, schools, and single family dwellings. Basic infrastructure such as water and power including sewer is available and located 100 feet from the proposed development.

Landscape Assessment

This property lies on the boundary of the Northern Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning efforts. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, it shows this watershed has changed due to increased impervious surfaces.

In terms of development impacts, 23.41% of the Mangilao Watershed is developed and 10.05% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

Effects Test Review and Analysis and Conditions

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The property is identified as "Very Low Density Residential" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (a):

> *"This residential designation provides for a very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long term viability and health of the Northern Aquifer. VLD Residential densities should generally be no more than one unit per acre. Non-residential development such as continued agricultural uses should be subject to specific criteria and standards to ensure protection of the Northern Aquifer."*

Pacific Land Holdings, LLC, proposes to construct the Talo Isa multi-family apartment residences consisting of 8 2-storey structures on 9.51 acres of undeveloped land that is classified as VLD Residential. The application does not conform to the Guam Urban Development Policy, Land Use Plans, and Zoning.

Resource Policy

Executive Order 78-37, (C) Resource Policy, (C) Water Quality states that "Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas." The Water Pollution Act (10 GCA Ch. 47) is in place to protect the Northern Guam Lens Aquifer (NGLA). The property is located on Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island's population. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

Recommendation and Decision

Pursuant to Appendix A § 700 (g), the Bureau hereby recommends disapproval of the zone change application.

As government officials, it is our primary responsibility to ensure that growth and development are done in a manner that does not harm public health or safety, but works to promote the public welfare and convenience in a manner that is within balance with the environment in order to preserve and sustain the unique culture, traditions and beauty of the island for future generations. **Si Yu'os Ma'ase'.**

CARL V. DOMINGUEZ

cc: DPW
GPA
GWA
DPR
DOAg

Municipal Planning Council
April 24, 2019

RECEIVED
4.25.19

Resolution No. 2019-001

Chairman and all members of the Barrigada Municipal Planning Council

Relative to expressing the support of the Municipal Planning Council on Application No. 2018-28, Zone Change from "A" (Rural) to "R-2" (Multi-Family Dwelling) for a proposed 64 multi-family dwelling units on Lot No. 2244-R2, in the Municipality of Barrigada.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, on Tuesday, March 19, 2019, a DLM public hearing was held at the Barrigada Mayor's Office to hear the Zone Change request by Pacific Land Holdings, LLC on Lot No. 2244-R2, in the Municipality of Barrigada (Application No. 2018-28); and

WHEREAS, it was explained and justified by the applicant representative Mr. Michael Blas Makio, AIA, that the request is to build 64 affordable multi-family dwelling units, and that adequate infrastructure, parking, landscaping, and recreational areas will be provided. Additional community benefits include the construction and maintenance of a school bus shelter on the premises; and a new sidewalk connecting to existing sidewalks at PC Lujan Elementary School: now therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council having reviewed the zone change request on March 29, 2019 and exercising its rights and privileges, does hereby express its support and endorses the zone change request submitted by the landowner through his representative; and be it further

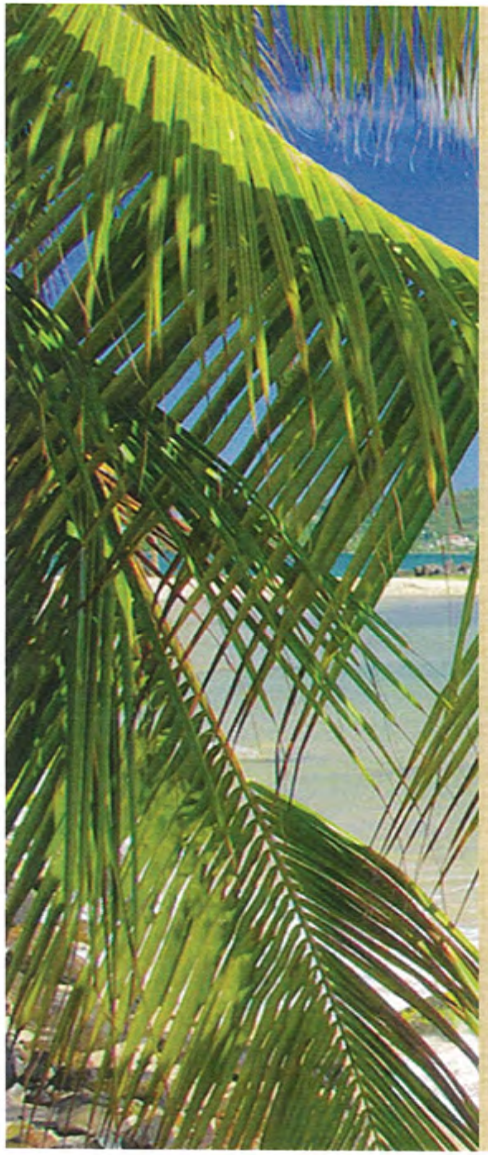
RESOLVED, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to Mr. Michael Blas Makio, AIA, representative of the landowner; to the Executive Secretary of the Guam Land Use Commission; to the Director of the Department of Land Management; to the Executive Director of the Mayors Council of Guam; to the Honorable Tina Muna Barnes, Speaker, 35th Guam Legislature, and to the Honorable Lourdes A. Leon Guerrero, *I Maga'haga Guåhan*, Governor of Guam.

DULY AND REGUARLY ADOPTED ON THE 24th DAY OF APRIL 2019.

JUNE U. BLAS
Mayor and Chairman

JESSIE P. BAUTISTA
Vice Mayor

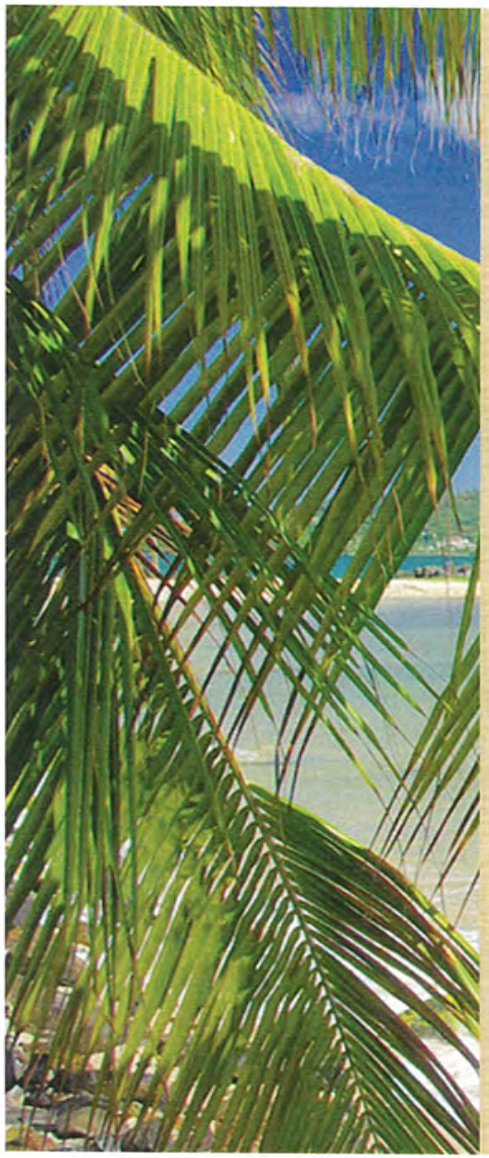
THERESE B. MAZZEI
MPC Member and Council Secretary



APPLICATION FOR ZONE CHANGE - LOT NO 2244-R1 RADIO BARRIGADA "SAN ANTONIO"

FROM A-1 TO R-2 MULTI-FAMILY





Coordination with Barrigada Mayor's Office

The Planning team collaborated with the Mayors office to integrate priorities from the village and to mitigate concerns

Use traditional village name in the project San Antonio

The mayor indicated concerns for safety and security of property as the responsibility of the owners.

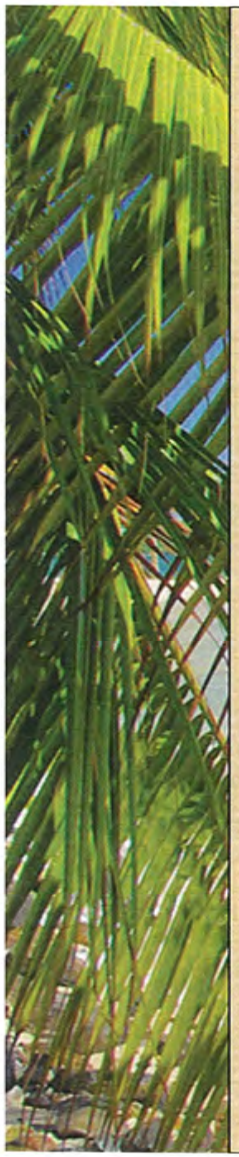
Mayor requested shared use of facilities with village

Recommended provisions of recreational facilities for residents and village neighbors

Recommended providing a Bus Shelter onsite sponsor and Community Garden area

Recommended providing walking paths and sidewalks, sports field and open field.

Supported provisions for pavilions and exercise paths and sidewalks



DEPARTMENT OF PUBLIC WORKS RECOMMENDS APPROVAL OF THE ZONE CHANGE WITH CONDITIONS

STORM WATER SHOW STORM WATER MANAGEMENT TREATMENT IN DETAIL IN THE PERMIT DRAWINGS & CALCS. NO RUNOFF IS PERMITTED OUTSIDE OF THE PROPERTY.

TRAFFIC A TRAFFIC IMPACT ANALYSIS STUDY MUST BE COORDINATED WITH DPW, DIVISION OF HIGHWAYS (TRAFFIC CONTROL SECTION), PRIOR TO SUBMISSION FOR BUILDING PERMITS.

PARKING REQUIREMENTS SHOW PARKING LAYOUT AND DETAIL OF PARKING STALLS, AND COMPLY WITH ADA REGS.

ACCESS ROAD THE ENTRANCE, EXIT, SIDEWALK SHOULD CONFORM TO THE GUAM HIGHWAY MASTER PLAN & BE COORDINATED WITH DPW. DIV OF HIGHWAYS (R.O.W. SECTION).

STREETLIGHTS THE DEVELOPER SHALL BE RESPONSIBLE FOR THE STREETLIGHTS AND SHALL COORDINATE WITH DPW, DIV OF HIGHWAYS (TRAFFIC MANAGEMENT CONTROL SECTION).

FLOOD ZONE PERFORM & SUBMIT HYDROLOGIC AND HYDRAULIC ANALYSIS SHOWING COMPLIANCE WITH FEMA FLOOD INSURANCE STUDY STANDARDS BY GUAM LICENSED ENGINEERS.

PARKS & PLAYGROUNDS THE CONSTRUCTION OF PARKS, PLAYGROUNDS AND LANDSCAPING MUST BE DESIGNED IN DETAIL USING PHYSICAL AND BIOLOGICAL RESOURCES THAT IMPROVE THE ENVIRONMENT.

SOLID WASTE PROVIDE SOLID WASTE COMPOSITIONS (PUBLIC OR PRIVATE) SERVICES.

TRANSPORTATION COORDINATE WITH DPW, BUS OPERATIONS DIVISION FOR THE BUS SHELTER LOCATION. AND MUST NOT HINDER THE ENTRY OR EXIT PUBLIC ACCESS TO THE HOUSING AREA.

COMPLY WITH ALL THE GEOTECHNICAL REQUIREMENTS FOR SITE PREP. INCLUDE ECOLOGICAL PLANNING TO OPTIMIZE CONSERVATION OF SITE RESOURCES.



GUAM POWER AUTHORITY COMMENTS:

CUSTOMER SHALL COMPLY WITH THE FOLLOWING: N E C, NATIONAL ELECTRIC SAFETY CODE AND GPA'S SERVICE RULES AND REGS:

COORDINATE OVERHEAD/UNDERGROUND POWER REQUIREMENTS WITH GPA ENGINEERING.

MAINTAIN MINIMUM CLEARANCES PER THE NAT'L ELECT SAFETY CODE & NEC.

MAINTAIN ADEQUATE CLEARANCE BTWN STRUCTURES & ELECTRIC UTILITY EASEMENTS PER NESC & GPA REQUIREMENTS.

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 ANY GPA'S FACILITIES IS CHARGEABLE TO THE APPLICANT INCLUDING LABOR & MATLS.

PRIMARY DISTRIBUTION OVERHEAD AND UNDERGROUND LINE EXTENSIONS AND GPA SERVICE CONNECTIONS MUST ADHERE TO GPA'S SERVICE RULES AND REGULATIONS.

A SYSTEM IMPACT ASSESSMENT IS REQUIRED TO DETERMINE THE EFFECT OF THIS DEVELOPMENT ON GPA'S EXISTING POWER FACILITIES.

ALL COSTS FOR MODIFICATION OF GPA FACILITIES SHALL BE CHARGED TO THE DEVELOPER – RELOCATION, NEW INSTALLATION COSTS & ANY REQUIRED SYSTEM UPGRADES.

NO GPA POWER LINES SUPPORT THIS SITE. A CONSENT /APPROVAL IS NEEDED FROM THE NAVY FOR GPA TO SUPPORT THE ADDITIONAL LOAD THROUGH THE USE OF NAVY ELECTRICAL FACILITIES.



GUAM WATERWORKS AUTHORITY

REGISTER MAPS AND DOCUMENTS FOR NEW PUBLIC RIGHTS OF WAY OR UTILITY EASEMENTS WITH THE DLM AND PROVIDE COPIES TO GWA.

DEVELOPMENTS WITH HAVE WATER AND/OR WASTEWATER PUMP STATIONS WHO ONLY SERVE THEMSELVES, AND HAVE NO EXCESS CAPACITY TO SERVE CUSTOMERS BEYOND THEIR BOUNDARIES , SHALL MAINTAIN THEIR OWN PUMP STATION(S) AND FORCE MAIN(S) TO THE SATISFACTION OF GWA.

THE APPLICANT SHALL INSTALL GWA WATER METERS IN THE PUBLIC RIGHT OF WAY OR EASEMENT.

BACKFLOW PREVENTION IS REQUIRED FOR NON-RESIDENTIAL ACTIVITIES, SWIMMING POOLS, OR IF A DEVELOPMENT IS SERVED BY A MASTER METER.

NEW DEVELOPMENT IS SUBJECT TO WATER AND/OR SEWER SYSTEM DEVELOPMENT CHARGES.

PRIVATE WATER TANKS MAY BE LIMITED TO A MAX FILL RATE TO AVOID ADVERSE IMPACTS TO THE PUBLIC WATER SYSTEM.

SEWER PRE-TREATMENT REQUIREMENTS SHOULD BE ASSESSED WHERE APPLICABLE (GREASE TRAPS OR INTERCEPTORS ARE REQUIRED FOR FOOD SERVICE ESTABLISHMENTS. OIL-WATER SEPARATORS).

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.

INFORM GWA OF CHANGES THAT AFFECT THE ACCOUNT'S CLASSIFICATION & UTILITY SERVICE REQUIREMENTS (IE LAUNDRY, FOOD SERVICE, & VEHICLE MAINTENANCE ACTIVITIES).



CONTROLLED ACCESS ENTRANCE. GWA WATER METERS MUST BE INSTALLED IN A PUBLIC R.O.W. OR EASEMENT. IF THERE IS NO EASEMENT WITHIN THE COMPLEX, THEN METERS SHALL BE INSTALLED ON THE PUBLIC R.O.W OR EASEMENT NEAR ITS ENTRANCE. WATER & SEWER UTILITIES DOWNSTREAM OF THE WATER METERS SHALL BE THE DEVELOPER'S RESPONSIBILITY TO MAINTAIN AND OPERATE.

THE AREA IS SERVED BY THE NAVY WATER SYSTEM-NEAREST GWA WATER MAIN IS AT P.C. LUJAN. IF CONNECTION TO GWA WATER MAIN IS REQ'D, OWNER IS RESPONSIBLE FOR OFF-SITE UTILITY WORK.

OWNER'S CM SHALL OVERSEE WATER & SEWER CONSTRUCTION AND PROVIDE A QC REPORTS/PHOTOS TO GWA AND PROVIDE GWA WITH CONSTRUCTION SCHEDULES AND COORDINATE INSPECTIONS.

PROVIDE PLANS/DETAILS FOR WATER AND SEWER P.O.C, SUBJECT TO GWA APPROVAL. SUBMIT WATER, FIREFLOW AND SEWER DESIGN CALCS, COMPLETE DRAWINGS AND SPECS.

COORDINATE WITH GWA 6 MONTHS PRIOR TO THE BLDG. PERMIT APPLICATION. PROVIDE WATER & SEWER CALCS TO VERIFY IF GWA IS ADEQUATE OR INFRASTRUCTURE IMPROVEMENTS ARE NEEDED.

ANALYSIS WILL SHOW SERVICE TO EXIST'G CUSTOMERS & APPROVED PROJECTS IN PERMIT & CONSTRUCTION STAGE, AS UNAVAILABLE FOR THIS DEVELOPMENT. DISCUSSIONS WITH GWA ENGINEERING INCLUDE APPLICABLE GWA STANDARDS REGS.

OFF-SITE WATER & SEWER ARE THE OWNER'S RESPONSIBILITY & REQUIRE GWA APPROVAL AND MEET GWA STANDARDS, BE CONSTRUCTED IN THE EASEMENTS OR R.O.W AND BE SUBJECT TO INSPECTION BY GWA.

INFRASTRUCTURE IMPROVEMENTS ARE THE EXPENSE OF THE OWNER. GWA'S APPROVAL OF THE OCCUPANCY PERMIT IS CONTINGENT UPON THE COMPLETION OF OFFSITE UTILITY IMPROVEMENTS.



DEPARTMENT OF AGRICULTURE - Site was used for farming, MWR and scientific research & UOG College of Ag.

- Area has been fallow for years, neighboring sites have agricultural farming and livestock cattle for pastureland require owners safeguards to mitigate disruption nearby activity.
- Recommend approval of the zone change with the following conditions .
- Biological Assessment Report is required prior to Building Permit approval and Endangered species protection(flora and fauna) if discovered is mandated
- Erosion environmental damage prevention is mandated.
- Requires landscaping & inclusion of trees and plants that are already present on the site and include indigenous trees from these areas.
- Agriculture's Forestry & Agricultural Dev. Services Division's *demonstration farm* have seedlings that can be provided for preservation and environmental sustainability concerns with indigenous trees and *vetiver reed grass* for erosion control, etc.
- Recommends that the developer incorporate composting In addition the storage of green waste

DEPARTMENT OF PARKS AND RECREATION & SHPO

- DPR/SHPO had no objections to the Zone Change Application. DPR will be issue a Certificate of Approval when we the permit to conduct an archaeological investigation including mitigating potential adverse effects to historic properties within the area of potential effect. The APE falls within the Barrigada Battlefield (GHPI Site 66-04-1059), and 2 other recorded sites located nearby.

ENVIRONMENTAL PROTECTION AGENCY

- EPA reviewed the application and does not object to the proposed zone change provided the owner/developer and contract complies with all relevant laws and regulations administered by GEPA and if the following concerns related to the proposal (as reviewed) are addressed:

- Stormwater and Erosion Control - The project must meet all requirements of the Guam Soil Erosion and Sediment Control Regs (22 GAR Chapter 10), with pre- and post-construction stormwater controls per the 2006 CNMI and Guam Stormwater Management Manual.

- Drinking Water -Ensure that improvements required to connect to public water supply, and to accommodate the proposed water demand, including fire fighting flow requirements, are completed before occupancy of the proposed development.

- Wastewater The development must connect to public sewer & ensure that improvements required to connect to public sewer for wastewater flows, are completed before occupancy.





BUREAU OF STATISTICS AND PLANS

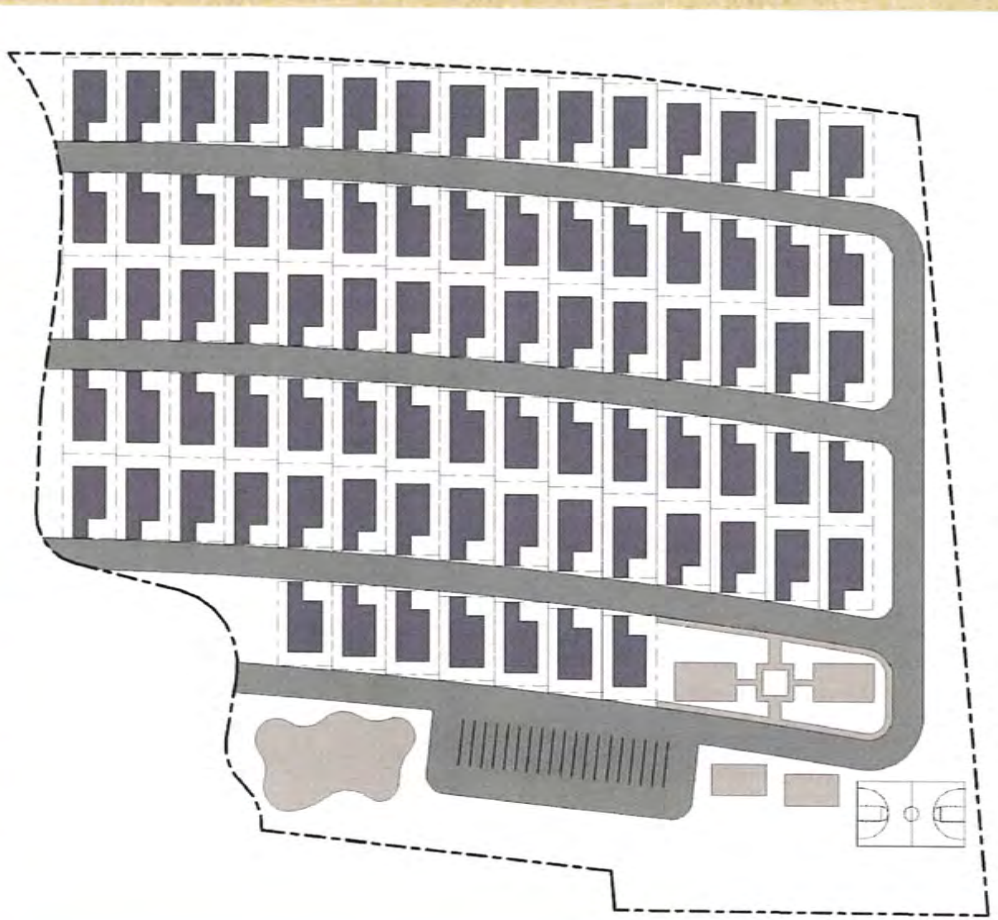
BSP had concerns – however surfaced inconsistencies surfaced in their comments sighting the Northern & Central Land Use Plan.

- GCA Zoning Law contains administrative rules and regs enacted into law. The NCLUP administrative rules & regs need to be created and vetted by the AAA process.
- NCLUP Land use categories are not reconciled into the Zoning law and cannot be effectively regulated.
- BSP may selectively administer the land use plan w/o regulatory mandate.
- Ironically the scale and intent of this project to provide low impact affordable multi-family housing IS consistent dozens of goals of the NCLUP.
- The design of the project maintains open space with an extremely low Floor Area Ratio (FAR) of .27
- 9.51 acres (414,000 sf) with only 32 units on the ground level. Residents share the road, (no private driveways). VS a SFD home, allows almost 50% of the site coverage and allows for 82 homes with individual driveways and access streets, sidewalks and a much greater impact on the aquifer.
- BSP's statement lacks strategies for recharging the aquifer and ignores; mandates to contain all stormwater onsite, stormwater quality treatment (removing harmful content and flow control), permeable asphalt, planting and erosion control strategies.
- NCLUP needs integration into Guam's Soil Erosion and Sediment Control Regulations, with pre- and post-construction stormwater controls ie. 2006 CNMI & Guam Stormwater Management Manual.



ALLOWABLE DEVELOPMENT FOR SFD IN AGRICULTURAL ZONE WITH SEWAGE (ASSUMING 5,000 SF LOTS)

ROAD:	83,742 SF	17% COVERED
BUILDING:	102,992 SF	25% COVERED
PARKING:	13,286 SF	3% COVERED
MISC:	8,157 SF	2% COVERED
TOTAL HARDSCAPE:	194,891 SF	47% COVERED



82 SINGLE FAMILY HOMES WITH AN FAR OF ALMOST 50 %

Proposed Site Plan



ROAD:	32,620 SF	8% COVERED
BUILDING:	40,406 SF	10% COVERED
PARKING:	28,382 SF	7% COVERED
MISC:	19,201 SF	4% COVERED
TOTAL HARDSCAPE:	120,609 SF	29% COVERED

Net 32 residential footprints



Public Hearing Comments Questions and comments at the public hearing came in 4 approximate categories – access roads, traffic, power and water pressure.

The site has two access easements so condemnation is neither necessary nor desired. GWA and GPA regs require 40 easements. Most property owners along the NE access road have severed the easement with their parceling in anticipation of power, water and sewer being brought along their frontage. 2 properties have not, if an amicable sale cannot be arranged the owner will access from the SE easement. The resolution can be mandated in the conditions of the NOA.

The AE team met with the PC Lujan administrators (Principal Nancy Diaz) who indicated the school population is significantly down from its capacity limit (800 students in 2007), and further lowered with the closing on the Nimitz Golf course. Queing for student pick up and drop-off is among the lowest on the island.

The AE team projected the additional students from Census data and similar developments. Approx 32 children are anticipated distributed between day-care, elementary, middle and high school. The owners have agreed to sponsor a bus stop in at the new site and PC Lujan students would be coming from the north direction not the prevailing route from the south.

General questions were raised about low water pressure, power and power reliability. The new utility infrastructure, sidewalks, and roads are expected to improve the distribution of services in the area, extending service and providing new lines