



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 187-30 (COR) "AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7, IN THE MUNICIPALITY OF MANGILAO, TO (C) ZONE", which I signed into law on May 17, 2010 as Public Law 30-137.

Sinseru yan Magâhet,

MICHAEL W. CRUZ, M.D.
I Maga'lâhen Guahan para pa'go
Acting Governor of Guahan

30-10-0455

Attachment: copy of Bill

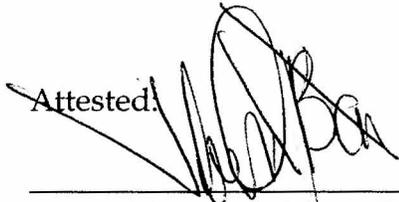
**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session**

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 187-30 (COR), "AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7, IN THE MUNICIPALITY OF MANGILAO, TO (C) ZONE"**, was on the 3rd day of May, 2010, duly and regularly passed.

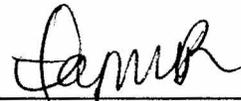


Judith T. Won Pat, Ed. D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of May, 2010, at 4:00 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: MAY 17 2010

Public Law No. P.L. 30-137

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 187-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement and Land,
and amended.

Introduced by:

Judith T. Won Pat, Ed.D.

T. R. Muña Barnes

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

Adolpho B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

**AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT
NUMBER 2436-7, IN THE MUNICIPALITY OF MANGILAO,
TO (C) ZONE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Lot Number 2436-7, in the municipality of *Mangilao*, which belonged to the
4 Estate of Encarnacion Pereira Cruz, was deeded back to the family by the Guam
5 Ancestral Lands Commission, pursuant to Public Law Nos. 22-145, 23-23, 23-141,

1 25-45, 25-178, 26-36 and 26-100, which requires that excess federal properties
2 turned over to the government of Guam then be transferred over to the estates of
3 the original landowners.

4 Without an existing zone designation, the Guam Land Use Commission is
5 unable to act on this matter. Authority to establish a comprehensive zoning plan
6 for Ancestral Lands Commission properties, including those released by the
7 Commission to original landowners, lies exclusively with the Provisional
8 Commission for the Zoning of Ancestral Lands. However, the applicant is
9 requesting an expedited process to establish an appropriate zone for Lot Number
10 2436-7, in the municipality of *Mangilao*.

11 **Section 2. Lot Zoning.** Notwithstanding any other provision of law, Lot
12 Number 2436-7, in the municipality of *Mangilao*, is hereby zoned (C) Zone.

Handwritten mark



The People

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 26, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trenta na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

2010 APR 30 AM 11:44

Handwritten signature

RE: Committee Report on Bill No. 187-30 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 187-30 (COR) As Substituted, "An act to zone the previously unzoned lot number 2436-7 in the Municipality of Mangilao to heavy industrial (M-2) zone" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 5 TO PASS
- _____ NOT TO PASS
- 2 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Si Yu'us Ma'ase,

vicente c. pangelinan
Chairman

COMMITTEE
REPORT
ON

BILL NO.187-30 (COR) As Substituted,
“AN ACT TO ZONE THE PREVIOUSLY
UNZONED LOT NUMBER 2436-7 IN
THE MUNICIPALITY OF MANGILAO
TO HEAVY INDUSTRIAL (M-2) ZONE”



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

April 26, 2010

MEMORANDUM

To: **All Members**
Committee on Appropriations, Taxation, Banking, Insurance,
Retirement, and Land

From: Senator vicente "ben" c. pangelinan
Committee Chairperson

Subject: **Committee Report on Bill No.187-30 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No.187-30 (COR) As Substituted, "An act to zone the previously unzoned lot number 2436-7 in the Municipality of Mangilao to heavy industrial (M-2) zone" sponsored by Senator Judith T. Won Pat

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.187-30 (COR)
4. Copy of Bill No.187-30 (COR) As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No.187-30 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'us Ma'åse,

vicente c. pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

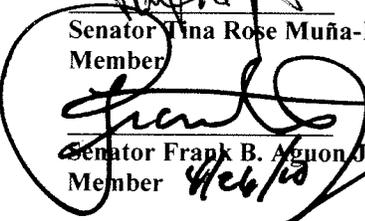
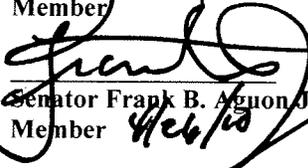
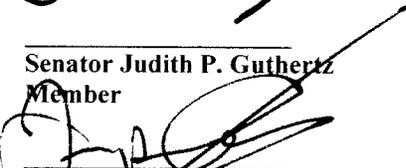
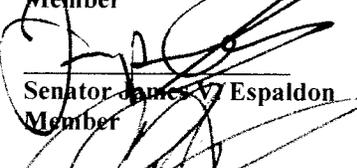
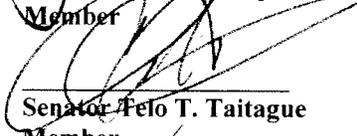
Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

**Bill No.187-30 (COR) As Substituted:
"An act to zone the previously unzoned lot number 2436-7 in the Municipality of
Mangilao to heavy industrial (M-2) zone"**

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	✓				
 Vice Speaker Benjamin J.F. Cruz Member					
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Aguon, Jr. Member	✓				
 Senator Judith P. Guthertz Member					
 Senator James V. Espaldon Member					
 Senator Felo T. Taitague Member			✓		
 Senator Frank Blas, Jr. Member			✓		



Committee Report

Bill No. 30-187 (COR) as amended by the Committee: “An Act to Zone the Previously Un-zoned Lot Number 2436-7 in the Municipality of Mangilao to Heavy Industrial (M-2) Zone.”

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on September 25, 2009 at 8:30 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on September 18 (5-Day Notice), and again on September 23 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente “ben” pangelinan, Chairman
Speaker Judith Won Pat, Vice Chair
Senator Tina Rose Muña-Barnes, member
Senator Judith Guthertz, member
Senator Telo Taitague, member
Senator James Espaldon, member
Senator Rory Respicio
Senator Tom Ada

(b) Appearing before the Committee

Richard Rosario – Rosario & Associates, Inc.
Chieng Tan – GPPC, Inc.
Carlos Untalan – Department of Land Management

(c) Written Testimonies Submitted

Richard Rosario – Consultant, Rosario & Associates, Inc.
Chris Duenas - Director, Department of Land Management
Estates of Carlos P. Cruz, Regina P. Cruz and Alejandro P. Cruz
Lorilee Crisostomo – Administrator, Guam Environmental Protection Agency
Joaquin C. Flores – General Manager, Guam Power Authority

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

II. COMMITTEE PROCEEDINGS

Senator vicente pangelinan: Bill 30-187 is a bill is an act to zone the previously un-zoned lot Number 2436-7 in the Municipality of Mangilao to Heavy Industrial (M-2) Zone. We have signed up to testify on this Mr. Carlos Untalan, Chieng Tang, Mr. Richard Rosario and Mike. I can't see, I can't read the last name. I can read the first name. I think it says Mike G-A-N-Y-L, I don't know if that is Mike Gawel from EPA or not but we'll proceed. We'll start with Mr. Rosario and the client then we will proceed.

The bill was introduced by Speaker Won Pat and [we] would like to give her a chance to do a brief overview of the bill.

(a) Bill Sponsor Summary

Speaker Won Pat: Thank you Mr. Chairman, you're probably cringing and a lot people say that about me as well because you know I've never taken a position, a very strong position, in rezoning primarily because I feel there is a process. But I also know and will acknowledge that when we do have certain parcel of properties that are un-zoned because they have been returned that Land Management does not have the authority to attach and authorization as does the Legislature and that's actually how it came to my attention. The position I have always taken was we do have a process and the process would be that these departments and agencies would have to respond, will respond rather, when there is this request for zoning and one of the things that I've done is requested that the company and the owners of these properties actually make an attempt, a sincere attempt, to not only get in touch with not only the fire department [but] to contact Land Management, to contact EPA, to contact Guam Waterworks and other departments and agencies who would, in a normal process, would actually respond to this request. They've done all that to no avail and some of these agencies have not responded and it has taken this long, actually, over a year in their attempt to do this and only by then because of all that then I decided to go ahead and introduce the bill. Thank you very much Mr. Chairman.

Senator vicente pangelinan: Thank you very much madam speaker. Mr. Rosario.

(b) Testimony

1. Richard Rosario – Consultant, Rosario & Associates, Inc.

Mr. Rosario: Thank you very much.
(Read written testimony verbatim; see attached)

Panel Comments and Questions

Senator vicente pangelinan: Thank you Mr. Rosario. Mr. Tan, would you like to make some comments?

2. H. Chieng Tan – Owner/Contractor, GPPC, Inc.

Mr. Tan: Good morning Mr. Chairman, members of the committee and Speaker Won Pat. First of all thank you for giving me the opportunity to speak. My name is Chieng Tan, I recently purchased this property, I also own a construction company called GPPC, Inc and we are a CNMI based company. We do business throughout the CNMI, Guam, as well as the Federated States of Micronesia. Big part of our business besides doing construction, we also produce our own coral product, concrete and asphalt. We currently don't do that on Guam because we haven't found a place to do it yet. We've been looking for a property for the last couple of years to set up our business here, an extension to our business in the outer islands. When this property came up we looked at it and realized this property is un zoned. Of course we looked at the surrounding properties across the road and adjacent to it and already all were M-2, pretty much doing the same activities we have in mind so we went ahead and purchased the property in hopes that we would get that zone extended to include our property so we can establish this business. Thank you Chairman.

Panel Comments and Questions

Senator vicente pangelinan: Thank you.

Mr. Rosario: In addition to my statement, there is a petition that I present to surrounding neighbors for support of our zoning.

3. Carlos Untalan – Department of Land Management

Mr. Untalan: Buenas yan Hafa Adai Honorable ben pangelinan, Speaker Won Pat and senators of the committee. First of all I will clarify the reasoning of the Guam Land Use Commission attempting to zone or rezone the property. First I am going to cite the zoning law. This is under 21 GCA part 3 §61630 and I will just read it for the record:

“Requirements for changes. 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.”

Now the key word here is “change the zones” and we always wonder what the zones are and I again will refer again to another section and read off the current zoning that is authorized, that is listed for the commission to change. Found again under 21 GCA and in particular under §61201 Zones and they are as follows:

“A Agricultural Zone. R1 One-Family Dwelling Zone. R2 Multiple Dwelling Zone. P Automobile Parking Zone. C Commercial Zone. M1 Limited Industrial Zone. M2 Heavy Industrial Zone. LC Limited Commercial Zone.”

In other words they have, the commission's authority can change zones that are already established. The dilemma that we have, or the commission has, is this is un zoned. I just want to clarify why it is before this commission it's not that they didn't approach us, we just have a dilemma in doing so. With that in mind Mr. Chairman I would like to read the prepared statement we have and it is signed by our Director, Christopher Duenas, unfortunately he has to leave on other departmental matters but he has asked me to read it.

(Read written testimony; see attached)

And that would be our response to the bill.

Panel Comments and Questions

Senator vicente pangelinan: You mentioned, Mr. Untalan, that it is sporadic residential but aren't you like half a mile down the line or maybe a mile down the line we have the Ladera Towers, Mangilao village and so forth. Is that sporadic residential?

Mr. Untalan: We were referring to the immediate 500 foot buffer which we would look at for a normal zone change. For example, if you already have an established zone and you want to go from an "A" to an "R1", our notification to property owners would be within a 500 foot radius. Within the 750 (feet) we would look at the land uses and that's where we are keying in, so if you just did a zoning radius of 750 foot radius, that lot, which is the subject lot for rezoning, which predominantly sits on the Radio Barrigada proper which is the US Government and then directly across from it thinking again on that radius, you would hit the Hawaiian Rock and then going North there's residential areas. Actually, they are more or less residential/agricultural and commercial, those mom and pops stores on either side of route 15. It really does not extend to the Mangilao Golf Course but we went ahead and included that and that's where we looked at in terms of sporadic residential.

Senator vicente pangelinan: How about, where does this sit in relation to the property that was deeded to the Guam Community College for future expansion? Or relocation?

Mr. Untalan: I don't have the specific details on that but my understanding is that it is probably less than a mile away from that subject lot and it is going towards Mangilao. So it is not in that Guam Community (College) area/proper.

Senator vicente pangelinan: You think that would be compatible zones?

Mr. Untalan: The current zone, yes, it is a compatible use because it not only adjacent but it actually abuts the Amelco.

Senator vicente pangelinan: No, the community college, the future site.

Mr. Untalan: Oh, I'm sorry. The future site, well you are looking at slightly under a mile away and what we did, you have to remember we only received the bill, September 21st but what we did was take a look at existing heavy industrial which was the Hawaiian Rock and I

think that activity is much more intense than what the applicant here proposes. That activity and the Hawaiian Rock include blasting operations as well. So in terms of this zone turning into a M2 will have impact on the current or future site of the Guam Community College, it would probably, more than likely have an effect but it wouldn't have any degrading effect as to what is already occurring right across the street which is Hawaiian Rock. You're still going to have the blasting operations.

Senator Vicente Pangelinan: The reason why I am concerned, of course, is when you read the current use and description, which read, "including those which are or maybe objectionable, obnoxious or offensive by reason of odor, gas, smoke, noise, gas fumes, cinder, vibration or water that carries waste." We also have a letter here from other land owners and let me just read this for the record so members of the body would be privy to this also once they begin to ask questions.

(Read written testimony; see attached letter from the Cruz Estates)

It is the intent of these individuals to support this but also, if I am correct, to include their properties to M2 zones too. That then would take you three (3) or four (4) lots towards Mangilao I think in terms of the location of this. Where you were talking about one lot totaling seven acres, you are now looking at other property owners in the area that total another thirty acres maybe.

Mr. Untalan: Right.

Senator Vicente Pangelinan: Now you are looking at thirty-seven acres that will be petitioning for consideration for an M2 zone. I think we need to just set that for the record since they did submit that for the record.

The other testimony that was submitted, and again just so everyone has the information.

(Read written testimony; see attached letter from GEPA)

As the practice is, that is to be included in the committee record. I have no questions for the panel. Senator Taitague?

Senator Taitague: Thank you Mr. Chair. I was looking over the bill and I was not able to see the size of the property. It wasn't indicated here on the bill. Do you know the size please?

Mr. Rosario: The size of the property is 31,841 square meters or 7.87 acres. That is only one lot.

Senator Taitague: Okay. My question to the land owner, with regards to the statement from EPA that was stated earlier, what kind of business do you have? Construction correct?

Mr. Tan: Correct.

Senator Taitague: There are rules and regulations as a construction company through EPA that you follow?

Mr. Tan: Yes, that was a comment that came to mind and our activities are pretty much regulated by EPA anyways so besides being able to conduct activities on that site, there are various other permits we must obtain to show that we mitigate effects of our business.

Senator Taitague: Have you submitted to EPA what your intentions are for the property and what precautions you are going to take for the environment?

Mr. Tan: No, we haven't done that yet.

Senator Taitague: Thank You.

Senator vicente pangelinan: Thank you Senator Taitague. Senator Muña-Barnes?

Senator Muña-Barnes: Si yu'us ma'ase Mr. Chair. Mr. Chair, I would like to take the opportunity to thank the sponsor for allowing me to be a co-sponsor with this bill. When we conversed about the issue with this we realized, as noted earlier by the Department of Land Management, because without a zone designation, our priority on that, one of the duties as a policy maker that was authorized to us, since there was no designation we would work it. I can respect the sentiments of the Director that you just spoke about, I think it's important to realize that the applicant did take the proper course of going to Land Management and the Guam Land Use Commission without having the mechanism in place at that time, at the recommendation of the government is to come back to us for this body to make that determination. And though I respect there may be a need to continue on, I don't want to hold it to that planning process that needs to be done at the back of this applicant. And respecting the point that the land agency has made that recommendation to us, I believe it is important that we make note of that for the record. Because the applicant has gone through the process and working the leg work that needed to be done and know that this is the other avenue to take when the proper commission cannot afford that opportunity to him. Though I stand in support of this and respect the decision of both agencies, where Lorilee does have to protect when it comes to her mission mandates in that area. But in closely working with Land Management and the reports given to me by the author of this bill, I stood firm in accepting the co-sponsorship of this.

Senator vicente pangelinan: Thank you Senator Muña-Barnes. Senator Ada?

Senator Ada: It is interesting Carlos, I guess there is this adjacent land owners are also wanting to rezone to M2. Now, are those currently zoned?

Mr. Untalan: No. I just learned of it a few minutes ago.

Mr. Rosario: No they are currently un-zoned. They want to participate to be a M2 zone too.

Senator vicente pangelinan: My understanding was there were discussions that they were going to be included in this bill but somehow something didn't happen. I do want to say that the

adjacent land owners came to see me the other day and had notified me of their intention and desire to also zone their properties and will be asking the body for consideration that it also be zoned M2. Nothing official like this bill. I'm sorry, Senator Ada.

Senator Ada: But now that we are going further towards the village of Mangilao in there, does that kind of change the picture of how close we are getting to residential areas and it is not as easy as saying amending the bill to now include lots 2436-6, 5, 4 and whoever else wants to get on. Is it going to take further analysis?

Mr. Untalan: I would think so. I think the bill is specific to the particular lot that is presented before this body and notice to the public and I don't know what the legislative procedures in adding additional lots to this current bill. But certainly it does push the 750 foot radius that much closer, and let's just assume that the width of those lots are 400 feet in total for the two lots, that would mean getting 400 feet closer to the GCC future campus or office or whatever they have there. We have not had a chance to go back and take a look at it in more detail so we can provide our comments. Certainly if that is contiguous to the subject lot at hand, it's in the un-zone portion of Radio Barrigada, on the same side, and if you look at that particular maps, the Radio Barrigada lot is quite substantial and then you're creeping towards the GCC campus. But still it is all contiguous with the M2 directly across Hawaiian Rock. Hawaiian Rocks parcel extends quite a bit. I think it is probably closer to GCC than this particular lot plus the two others that are thinking, asking for consideration.

Senator Ada: Does that put this particular bill in some sort of jeopardy such that the more it tries to be comprehensive; it gets a little more complicated that there may be other factors that would then possibly jeopardize the zoning of that one property. I guess it is most efficient to be able to move on that one bill to throw in everything as opposed to letting the re-zoning of those other lots to stand on their own. Or maybe at the very least put an agricultural zoning and from there fall under the purview of the land use commission.

Mr. Untalan: I don't know how to answer that. I am going to have to refer to Senator ben.

Senator Ada: No. I'm asking you because this bill is here today and it has no zoning and only the legislature has the authority to assign a zoning to it. But if it was given the least zoning designation, which would be agriculture, then really that kind of leaves it open to go through other avenues like the Guam Land Use Commission when more thought is given. Do we really want it as an M2; do we want it as something else? Then it kind of facilitates subsequent zoning on the bill. I mean on those properties.

Mr. Untalan: You would be correct on all accounts. The request is for M2 and should you decide M2 it is then it would go as M2. But should you decide other zoning, the other adjacent would have to come back to the Land Use Commission and at that point we can entertain those other two requests.

Senator vicente pangelinan: Thank you very much Senator Ada. Senator Rector?

Senator Rector: Thank you Mr. Chair. Yes, I had a few more questions. Thank you Senator Ada for bringing that up. Just to clarify, to make sure we understand I want to summarize this. We are here at the legislature because this property has no zoning correct?

Mr. Untalan: That is correct.

Senator Rector: Okay, so once it has a zoning and I am assuming that Agriculture is the most restrictive zone or is it R1?

Mr. Untalan: Those two would be the most restrictive zoning designations.

Senator Rector: So if this body assigns all these properties an R1 zone or an Agriculture zone, then the proper procedure would be to come back to the Land Use Commission and you folks would go through the whole process to determine whether it is appropriate or what the appropriate zoning is. Correct?

Mr. Untalan: That would be correct.

Senator Rector: Now you are testifying on this. Have you guys really have gone through the research you would have gone through for a re-zoning process?

Mr. Untalan: Not quite as extensive as we would like it to be given the fact of that, as I have mentioned, that we were in receipt of it as of September 21st letter and it is the 25th so we did our best with what time that we had given to us.

Senator Rector: Okay. And in that complete re-zoning process that the Land Use Commission would go through, won't you have environmental impact statements and EPA would look at it and see if we are over our water lens and see that we aren't dripping down toxic chemicals into our drinking water and stuff like that?

Mr. Untalan: That would be correct. In fact the first review of the subject application would go before the application review committee, which I am the chairman of that committee, in that committee there is all the other different permitting Government agencies and Guam EPA is one of those agencies. They would be the ones to determine whether an extensive EIA are required. Typically the initial is a finding of not significant impact. It's a short form and it is a Guam EPA form. But based on that, that would be EPA that would determine if a more extensive EIA would be required or not.

Senator Rector: Well, who else would be a part of that given test?

Mr. Untalan: There are several, there is Department of Public Works, Guam Waterworks, Guam Power, we have Guam Fire as an ex officio member, Public Health, Department of Agriculture, quite a few permitting Gov Guam agencies.

Senator Rector: So whenever re-zoning comes to you, really extensive research goes in to making sure that it is appropriate, that it is not going to endanger our people that the roads are

going to be sufficient to meet that need, the increased traffic needs, the safety the environmental concerns. It is a pretty extensive process isn't it? It seems to me a pretty important process to go through.

Mr. Untalan: It is yes. The unique one on this particular case is that, the reasoning why it did not go before the Guam Land Use Commission is because it doesn't have a zone.

Senator Rector: Because it doesn't have a zone currently. No, I understand that.

Mr. Untalan: I would also like to add that even though it does have to before the Land Use Commission, let's say it had a zoning designation, in a zone change it is really just a zone change. It is just part 1. The actual real meaty part is doing the permitting process. So in other words, your property might be zoned on an M2, if you can't meet the standards of one permitting agency, your permits will not go through and you will never see your proposed development go through. So there is still another part to this.

Senator Rector: Sure. There is still another whole different issue. But still, the zoning and the rezoning is under the per-view of your commission. And that is an important process to go through.

Mr. Untalan: Rezoning.

Senator Rector: Rezoning, excuse me. Rezoning is the important process you just brought up. I think about that and that back road already has a lot of traffic. I wonder if there has been a study saying if we put another industrial construction if there would be more big trucks running up and down that road, whether that has been taken into account, whether part of the brand new transportation plan we are looking at, whether this rezoning is a part of this big presentation I just sat through with the whole land use plan for the Northern and Central and unfortunately I don't have a copy in front of me on that. Things like this seem like a simple thing like rezone a single piece of property it has much wider implications to the people of Guam and there is a reason why the Guam Land Use Commission is in place, to do these types of studies and protect all of our people. I just wanted to ask you that, thank you very much.

Senator vicente pangelinan: Thank you Senator Rector. Senator Palacios or Senator Espaldon?

Senator Espaldon: thank you Mr. Chairman. Good morning. Along the same lines, you heard, I looked at the letter from EPA and of course what was just testified, in the process of the rezoning and the processing of the permits and applications for permits and what not, it goes through a whole process. Can I ask a very basic question? You mention you are in a construction business and of course coral and concrete and asphalt, what do you really foresee putting up on this piece of property?

Mr. Tan: You know we would put up an office there for our own operations, two to three thousand square feet for our own personnel. Setting up a repair facility, like a workshop, some crushing capability for aggregates, asphalt plant, that kind of stuff.

Senator Espaldon: Does that imply that you would be doing excavations for those aggregates?

Mr. Tan: No, no excavation. The property right now is flat. We are not planning to any quarrying or nothing of that nature.

Senator Espaldon: Okay. Now I know, that of course you in essence took a risk by buying a piece of property with no zoning thinking that in your abutting M2 property; Rich you have been in this business a long time, I guess the concern goes back to the EPA requirements on this one. I guess that would have to fold in what is before DPW in terms of putting infrastructure in, the water and the sewer in essence. Have you taken a look at what your requirements or what Mr. Tan's requirements would be and how much more it would over load? Let me ask you this first question, do you know what lines is in there right now as in terms of the water lines and the sewer?

Mr. Rosario: Well, right now they only have water lines, two lane roads existing, they got power.

Senator Espaldon: How big are the water lines? Do you know Rich?

Mr. Rosario: I cannot recall. There is a fire hydrant there which is no less than six inch water lines.

Senator Espaldon: Before you go on, Mr. Tan in terms of the operation you foresee in having over there, what kind of water requirements would you need? During the whole process of crushing and the asphalt creation and things like that, are there major requirements?

Mr. Tan: Not really. The asphalt production process does not require a lot of water. The crushing operation requires water for dust control but you know that water has a process, we have a recycle to reuse that water, and we are not just spraying massive volumes of water. I would say the amount of water we would use for that whole property would be the same as use for residential. If in fact it was put to that use.

Senator Espaldon: I guess the concern is we are just talking about your property, but when you throw in the thirty extra acres right next door who also wants the same kind of designation you want and knowing full well the type of activities allowed, on an M2 property. Now we are not just talking Hawaiian Rock and the other company. We are not talking seven to eight acres with you plus another thirty acres, all of a sudden now we have an industrial park up there. And I guess there brings some concern as how to handle that and I can foresee, if this gets approved, that you would move as quickly as possible to set up your operation and the problem I see there is I don't see the infrastructure moving in quite a quickly. Do you know anything? Have you spoken to DPW in terms of what their plans are and how fast they are looking at moving any infrastructure on that back road? I know there is a road plan back there.

Mr. Rosario: I heard widening up that 100 foot right of way. Actually right now it is only two lanes which are probably on twenty-eight feet wide. I heard that there is an expansion on the back road but I haven't seen any plan.

Senator Espaldon: So in terms of water and waste water you are not aware right now.

Mr. Rosario: Actually, there are only two quarries on the island and the other one is Nippo which is located in Yigo and Hawaiian Rock. Those are the only two I know of. Where else can you build a quarry on the island?

Senator Espaldon: We are not talking about building a quarry here. That is not relevant to the conversation.

Mr. Rosario: I'm sorry but it's the M2 zone for this heavy coral.

Senator Espaldon: I appreciate his predicament but there are many opportunities coming up and we are going to need services much like Mr. Tan is going to offer to this island. In my mind it's trying to balance the fine line of being pro-growth and pro-business but also making sure that we are conscience that we don't harm the environment as we go forward especially when we are talking about the sole water source. The aquifer, they say sole source, the one that provides 80% of our drinking water to this island. Again, it is not so much your project that concerns me. It's the ramifications once it happens. If we start expanding and making that area an M2 zone, then so be it. I think that is why we have to talk very openly about it and then maybe perhaps have more of a frank discussion Land Management, Land Use Commission, with DPW, with EPA and really take a look at that area and plan how to handle it. And I don't know that answer just yet but I just wanted to raise those concerns and have those questions answered and again I am walking a very thin line as to how we approach this.

Mr. Tan: Oh no Senator, I think your concerns are all well founded and I think that the sort of activities that we do are necessary but are probably not the most desirable and they are probably very limited location on the island where can do such actives but going back to the concerns brought up by Senator Rector is just the fact that we are allowed to do our activities on the property, assuming that it will be approved for an M2 doesn't mean we go in there and do whatever we want. All the activities we do there would be heavily regulated by EPA in emissions, spill control, so it's not like we will go in there and contaminate the ground and start polluting the air. There is many other permits and process we have to go through before we can do anything there. This is just the first step there.

Senator Espaldon: I appreciate that and thank you Mr. Tan. Thank you Mr. Chair.

Senator vicente pangelinan: Thank you very much. Senator Respicio? Senator Taitague you had a follow up question?

Senator Taitague: Thank you Mr. Chair. Carlos, when you zone and area M2 does that include, if I am not mistaken I've been doing my homework on this, that means it can be used as M1, it can be used as C, R2, R1 and A?

Mr. Untalan: That is correct. Our zoning designations kind of builds a hierarchy so the highest zoning designation we have is the M2 and in the M2 zone, you can have entirely the whole usage that are in the lower zones with the exception of the residential. And that is for obvious reasons.

Senator Taitague: but you have R1 and R2 under the M2 zoning.

Mr. Untalan: That is right.

Senator Taitague: Which are multiple family and single family?

Mr. Untalan: That is right but in the M2 zone, what is not an outright product use is single dwellings. That would include multifamily dwellings. Any residential type uses would be a conditional use for the commission.

Senator Taitague: So it is safe to say that R1 is not under the M2 zone.

Mr. Untalan: No. R1 is different.

Senator Taitague: Thank you. That was just a clarification. Thank you Mr. Chair for that opportunity.

Senator vicente pangelinan: Thank you. Carlos, I would like to bring to your attention, I know we have been doing our research on this un-zoned properties and who has the authority to zone them. I have been doing some reading in relation to the Chamorro Land Trust because most of the Land Trust is un-zoned properties and I ran across, and I will find it again, that there is a section in that says, in the zoning code, Department of Land Management regulations or enabling legislation that actually says that the Director of the Department of Land Management has the authority to designate zones and I will find that for you because I know I read it and you have been there a number of years. Do you recall that section?

Mr. Untalan: Here's what I recall. Not in the zonings as we know it. Like the ones that come before the, I think you are referring to the land use permit?

Senator vicente pangelinan: Yes.

Mr. Untalan: I believe that authority is in that specific instance in where he establishes a zone but a use designation. For example the zoning may be an A for Agriculture but by his authority, based on that enabling legislation, a commercial use could exist on that A zone property. So there is a difference between the two.

Senator vicente pangelinan: So he may not be able to zone but he may be able to designate.

Mr. Untalan: I don't think that any Director in any state has that authority to do zone changes.

Senator vicente pangelinan: We'll have to re-read that.

Mr. Untalan: I believe that is what that is. Remember that old Agricultural land use permit? That's where that comes in.

Senator vicente pangelinan: Yes. Thank you very much. If there are no further questions or no further comments we will conclude this hearing on bill number 187. Thank you and Si yu'us ma'ase.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports out Bill No. 30-187 (COR), as substituted by the Committee with the recommendation To Pass.

I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

2009 JUN 24 AM 8:48 AM

Bill No. 30- 18760R

Introduced by:

Judith T. Won Pat, Ed.D.
Tina Rose Muña Barnes

**AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT
NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO
TO HEAVY INDUSTRIAL (M-2) ZONE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds that
3 Lot Number 2436-7, in the Municipality of Mangilao, which belonged to the Estate of
4 Encarnacion Pereira Cruz was deeded back to the family by the Guam Ancestral Lands
5 Commission, pursuant to Public Law Nos. 22-145, 23-23, 23-141, 25-45, 25-178, 26-36
6 and 26-100, which requires that excess federal properties turned over to the government
7 of Guam then be transferred over to the estates of the original landowners.

8 This parcel is on the frontage of Route 15. The frontage area is comprised of
9 Heavy Industrial (M-2) zone. The property was purchased from the Estate of
10 Encarnacion Pereira Cruz and is now owned by Mr. Hang Chieng Tan, who wishes to
11 develop a business that requires Heavy Industrial M-2 zone.

12 Without an existing zone designation, the Guam Land Use Commission is unable
13 to act on this matter. Authority to establish a comprehensive zoning plan for Ancestral
14 Lands Commission properties, including those released by the Commission to original
15 landowners, lies exclusively with the Provisional Commission for the Zoning of
16 Ancestral Lands. The requested zone is consistent with the provisional commission's

1 recommendation for zoning in the Radio, Barrigada area. However the applicant is
2 requesting and expedited process to establish an appropriate zone for Lot Number 2436-7
3 in the municipality of Mangilao.

4 **Section 2. Lot Zoning.** Notwithstanding any provision of the Law, Lot Number
5 2436-7 in the Municipality of Mangilao is hereby zoned Heavy Industrial (M-2) Zone.

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 187-30 (COR)

Substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement and Land

Introduced by:

Judith T. Won Pat, Ed.D.
Tina Rose Muña Barnes

**AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT
NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO
TO ~~HEAVY INDUSTRIAL (M-2)~~ (C) ZONE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Lot Number 2436-7, in the Municipality of Mangilao, which belonged to the Estate of
4 Encarnacion Pereira Cruz was deeded back to the family by the Guam Ancestral Lands
5 Commission, pursuant to Public Law Nos. 22-145, 23-23, 23-141, 25-45, 25-178, 26-36
6 and 26-100, which requires that excess federal properties turned over to the government
7 of Guam then be transferred over to the estates of the original landowners.

8 ~~This parcel is on the frontage of Route 15. The frontage area is comprised of~~
9 ~~Heavy Industrial (M-2) zone. The property was purchased from the Estate of~~
10 ~~Encarnacion Pereira Cruz and is now owned by Mr. Hang Chieng Tan, who wishes to~~
11 ~~develop a business that requires Heavy Industrial M-2 zone.~~

12 Without an existing zone designation, the Guam Land Use Commission is unable
13 to act on this matter. Authority to establish a comprehensive zoning plan for Ancestral
14 Lands Commission properties, including those released by the Commission to original
15 landowners, lies exclusively with the Provisional Commission for the Zoning of

1 Ancestral Lands. ~~The requested zone is consistent with the provisional commission's~~
2 ~~recommendation for zoning in the Radio, Barrigada area.~~ However the applicant is
3 requesting and expedited process to establish an appropriate zone for Lot Number 2436-7
4 in the municipality of Mangilao.

5 **Section 2. Lot Zoning.** Notwithstanding any provision of the Law, Lot Number
6 2436-7 in the Municipality of Mangilao is hereby zoned ~~Heavy Industrial (M-2) (C)~~
7 Zone.



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

✓

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 September 25, 2009
BILL NO. 30-187 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Carlos R. UNTDAN	DUM	649 5385 X311	carlos.untدان@ pun-guam.gov	✓	✓	✓
CHIENG TAN	Bales Rd	670-234 7900	Chiengt@apptic. com		✓	✓
Richard Rosario						
Pike Sant		475-1658				

ROSARIO & ASSOCIATES, INC.
PLANNING & DEVELOPMENT CONSULTANTS
Post Office Box 1534 • Hagatna, Guam USA 96932-1534
Tel. & Fax: (671) 488-2696/637-8072

September 25, 2009

Honorable Vicente C. Pangelinan
Chairman, Committee on Land
Mina' Trenta Na Leheslaturan Guåhan
324 West Soledad Avenue, Suite 100

Subject: **Bill 30-187 (COR) – AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE**

Hafa Adai & Buenas Dias Honorable Senator “Ben” Pangelinan, Speaker Won Pat and all the Senators

I am here to represent Mr. H. Chieng Tan, owner of Lot No. 2436-7 in Pagat, Municipality of Mangilao. Mr. Tan, owner and a general contractor of GPPC, Inc., and a developer here on Guam and Saipan, wishes to develop a business that requires Heavy Industrial, “M2” Zone. Currently, the property is vacant and unzoned, returned to the original landowner, which Mr. Tan bought from Carl E. Cruz (Deed #78324). The property has 31, 841 square meters or 7.87 acres fronting Route 15, which is adjacent to Amelco Construction, across Hawaiian Rock Quarry. Amelco and Hawaiian Rock Quarry are zoned as “M2”. Since the subject property is within these two establishments, which are zoned as “M2”, we are requesting for the subject property to be with the same zone. The types of activities planned for this property are as follows:

1. Office
2. Warehouse and workshop
3. Heavy equipment parking
4. Coral material storage and processing
5. Concrete batching
6. Asphalt batching and
7. Concrete pre-casting and other component fabrication

These are ongoing activities at Amelco and Hawaiian Rock Quarry, and therefore will be the **extension for the “M2” Heavy Industrial zone.**

We have previously approached the Chamorro Land Trust (CLT) and Dept. of Land Management (DLM), prior to Speaker Judith Won Pat for the processing of no zone to “M2” zone. CLT and DLM had recommended for us to go to the Legislature for the zoning process with no zone designation, since the legislature has the sole authority to approve unzoned/nozone property.

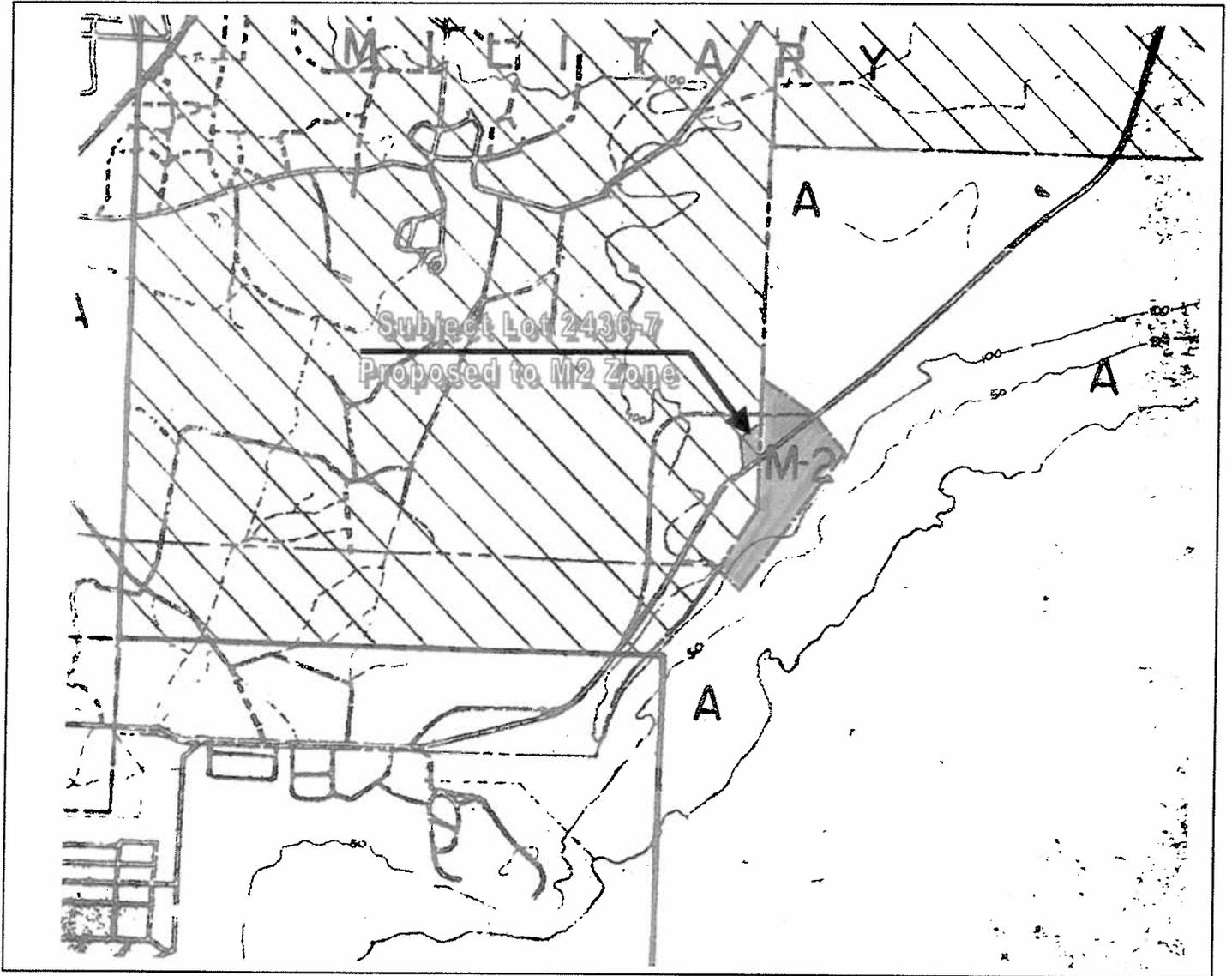
Also, we have sent letters to concerned agencies; GEPA, GWA, GFD, and DLM concerning utilities or other improvements. These agencies will testify during the Public Hearing. Water, power and paved road are in existence along Route 15.

We hope for your favorable consideration for the approval of the request from unzoned property to be zoned to M2.

Si Yuus Maase,

A handwritten signature in black ink, appearing to read "Richard F. Rosario". The signature is written in a cursive style with a long horizontal stroke at the end.

RICHARD F. ROSARIO
Consultant



Zoning Map

A Agriculture Zone
M-2 Industrial Zone

Exhibit A

U.S.M.
 7-01-05
 DATE
 ENGINEERING TECHNICIAN DLM

LOT 2453-1
 C.T. NO. 5683
 (FORMER RADIO BARRIADA BOUNDARY)

LOT 2457-1
 C.T. NO. 5683
 (FORMER RADIO BARRIADA BOUNDARY)

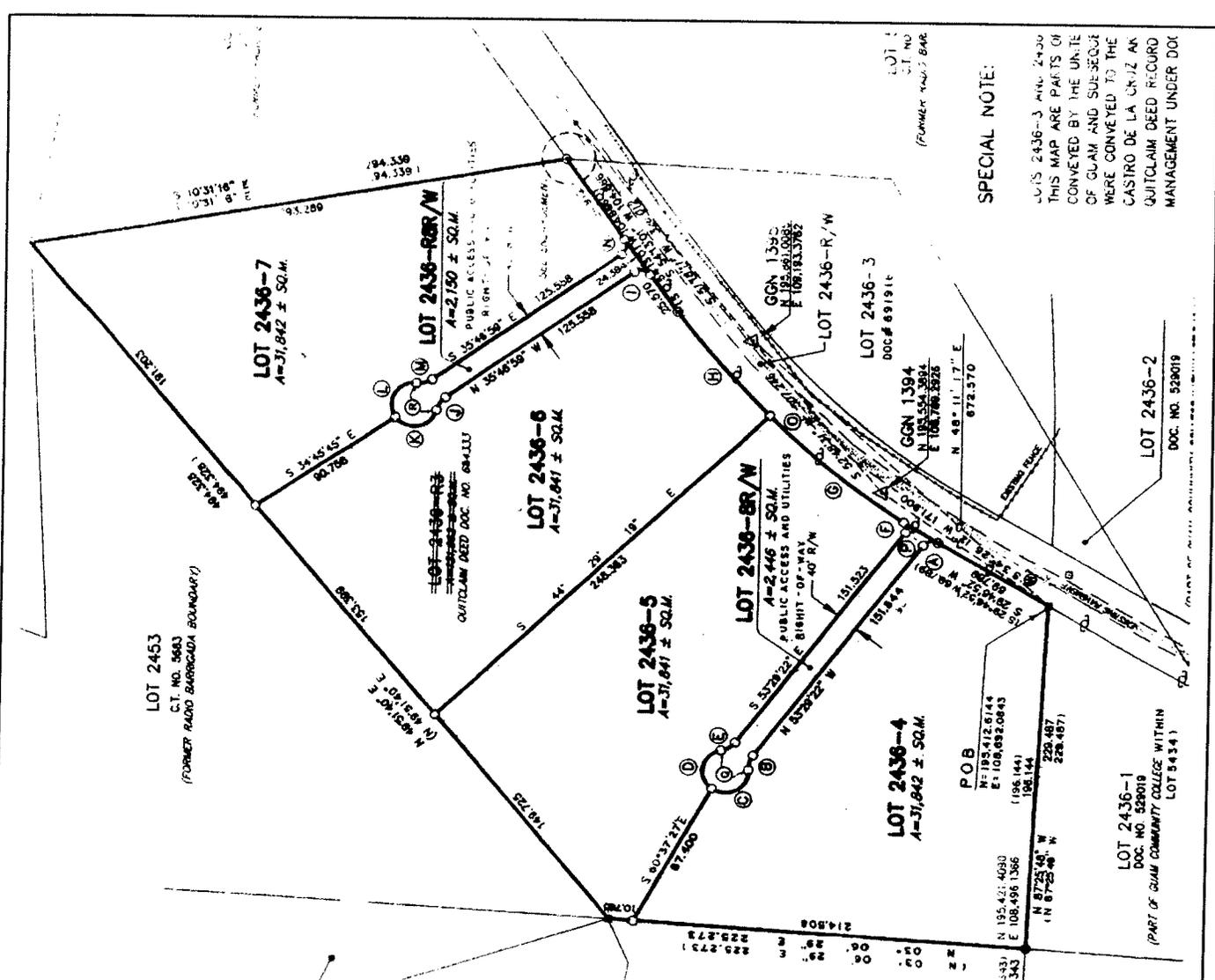
Based on Guam Department of Public
 Works and Engineering, Office of the Recorder
 File for Record of Instrument No. **723746**
 For the year 04 Month 4 Day 5 Time 3:25
 Recording Fee 2 Receipt No. _____
 Deputy Recorder *[Signature]*

GGN TIE-IN
 NOT TO SCALE

LOT 2481-1
 C.T. NO. 5683
 (FORMER RADIO BARRIADA AREA IS)

(LOT 5433)
 DOC. # 529019
 PART OF LOT 2481
 DOC. # 529019
 (PART OF GUAM COMMUNITY COLLEGE)

**SATISFACTORY TO AND APPROVED BY, AND
 CERTIFICATIONS OF ACCESS ROAD OPENING:**
 WE, THE AUTHORIZED REPRESENTATIVE/OWNER OF THE LOT
 SUBDIVIDED HEREIN, CERTIFIES THAT:
 APPROVAL OF THIS MAP IS BASED ON THE CONDITION
 THAT CONSTRUCTION OF THE ACCESS ROAD AS SHOWN
 ON THIS MAP SHALL BE COMPLETED WITHIN ONE (1) YEAR.



SPECIAL NOTE:
 LOTS 2436-3 AND 2436-4
 THIS MAP ARE PARTS OF
 CONVEYED BY THE UNITE
 OF GUAM AND SUBJECT
 WERE CONVEYED TO THE
 CASIRO DE LA CRUZ AN
 QUITCLAIM DEED RECORDED
 MANAGEMENT UNDER DOC

Survey Map

Exhibit B



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



FELIX P. CAMACHO
 Governor of Guam

CHRISTOPHER M. DUENAS
 Director

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

MICHAEL C. JAMES
 Deputy Director

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

Mailing Address:
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<http://dlm.guam.gov>

E-mail Address:
dldir@dlm.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

September 25, 2009

Honorable Vicente C. Pangelinan
 Chairman, Committee on Land
Mina' Trenta Na Leheslaturan Guáhan
 324 West Soledad Avenue, Suite 100
 Hagåtña, Guam 96910

Ref: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR); 218-30 (LS)

Bueñas Yan Hafa Adai Honorable Senator "Ben" Pangelinan

We are in receipt of your Letter, dated September 21, 2009, Subject: Public Hearing Notice. Our comments to the specific Bills are as follows:

Bill 30-187 (COR) – AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE

CURRENT M-2 USE PER 21 GCA, CHAPTER 61, §61310.

Pursuant to the above reference, the M-2 Zone allows for permitted uses in the in Light Industrial (M-1) zones such as: Junk yards (with special provisions); and any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, or water-carried waste. In this respect, "M-2" zones represent the highest land use intensity permitted in the allowable use hierarchy; so much so that *any* residential uses in the "M-2" zone require an approved Conditional Use Permit through the Guam Land Use Commission. Thus, designation of lots for "M-2" zoning has historically been desirable in areas isolated from other uses.

Continuation of Letter

RE: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR);
218-30 (LS)

September 25, 2009

Page 2 of 5

Lot 2436-7 - Surrounding Zones and Uses:

To the east of Lot 2436-7 lays the former AMELCO Corporation compound, identified as basic Lot 5292. The expanse of Lot 5292 extends across Route 15 (southbound) and onto Lot 5293-3 (Parcels "A" & "B"), better known as the Hawaiian Rock Products quarrying and manufacturing facility. The current zoning of these parcels are M-2 pursuant to Zoning Map Amendment No. F3-67S50 with a heavy industrial use activities on site. To the north and west of the subject lot are Lots 2453 (former Radio Barrigada Boundary) and Lot 2436-6, respectively and are "un-zone. Surrounding land use beyond the existing M-2 zone properties and its activities, are sporadic residential, commercial uses and a recreational use, which is the Mangilao golf course facility, and agricultural-residential development to the north and interior of the Kenny's Café Road.

Assessment:

The immediate area is unique as it maintains one of the few heavy industrial zones on Guam. In this respect, the establishment of the M-2 zoning of Lot 2436-7 will be a contiguous extension of allowable uses within the designation and would have compatible uses as that found on lot 5292 (AMELCO) and the Hawaiian Rock Operations directly across Route 15. Furthermore, the property fronts a major arterial route (Route 15), which locates it away from any interior lots that would be more conducive for residential uses.

Given the location of Lot 2436-7 and the heavy industrial uses already in existence that is adjacent/or abuts the subject lot, we have no objection to the establishment of the zoning designation of "M-2."

**Bill 30-188 (COR) – AN ACT TO AMEND §61531 IF CHAPTER 61,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING
THE PROVISIONS OF THE AUTOMOBILE PARKING SPACE
PROVISION**

We have reviewed Bill 188-30 (COR), *"Act to Amend §61531 of Chapter 61, Title 21, Guam Code Annotated, relative to expanding the provisions of the Automobile Parking Space provision"* and supports the legislative intent to *"designate appropriate areas as parking strictly for operators of motorized two wheeled vehicles."*

The Honorable Judith Won Pat Borja
Speaker
30th Guam Legislature

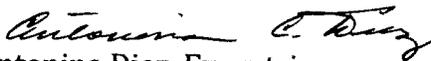
RE: Lot 2436-7, Pagat Mangilao - Request for Zone Designation

Madame Speaker:

As land owners of the lots adjacent to and across the street from lot 2436-7, we are writing to you today to express our support for the zoning change to M-2, which we feel would be beneficial to the area and island while keeping consistent with the current and best use of the property. At present, there are several businesses already located in the immediate vicinity that are operating in a heavy industrial capacity. The absence of any major residential areas, in conjunction with the potential for the increase in heavy vehicle and construction traffic to and from Andersen Air Force Base, make this area an ideal location for industrial uses.

Sincerely,

Estate of Carlos P. Cruz, Carl Cruz, Executor


Estate of Regina P. Cruz, Antonina Diaz, Executrix


Estate of Alejandro P. Cruz, Rosita Cruz, Executrix



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

FELIX P. CAMACHO
GOVERNOR OF GUAM

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921
TEL: 475-1658/9 • FAX: 477-9402

MICHAEL W. CRUZ
LT. GOVERNOR OF GUAM

Testimony of

Mrs. Lorilee Crisostomo, Administrator

Guam Environmental Protection Agency

25 September 2009

PUBLIC HEARING ON BILL 30-187 AN ACT TO ZONE THE PREVIOUSLY UNZONE LOT NUMBER 2436-7 IN MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE.

Buenas yan Hafa Adai, Ms. Speaker and Committee Members. I am pleased to have the opportunity this morning to provide Guam Environmental Protection Agency's testimony on bill 30-187.

Bill 30-187 proposes to spot zone a single unzoned returned property in Mangilao, fronting Route 15, to the Heavy Industrial (M-2) zone.

Numerous cases of unzoned properties have arisen on Guam from those lands released from the federal Government's ownership. In response to the need for zoning such properties, Bill 268 proposes to develop and adopt a Comprehensive Zoning Plan for Guam Ancestral Lands. Such a plan is urgently needed to provide direction and legal authority for efficient use of these valuable properties, which are mostly without designated zoning under existing Guam zoning laws. The provision of this Comprehensive Zoning Plan allows for the planning of infrastructure to meet the designated appropriate land uses, and intensity of these uses, while protecting and increasing the values of properties and the environment.

A critical example of environmental resources needing protection through management by zoning of land uses is our Northern Aquifer, designated as a nationally recognized sole source of drinking water. This main source of our drinking water is increasingly threatened by pollution, such as leaching of contaminants from septic tank systems into the aquifer. To accommodate occupation of properties that lack sewer, owners have been allowed to utilize approved septic tanks and leaching fields or holding tanks. But scientific evidence shows that safety of our drinking water is becoming seriously threatened by the increased use wastewater disposal methods. The solution of providing public sewers is dependent on planning for services needs based on future uses as defined in a zoning plan.

Our planners believe this needed zoning process should extend to all unzoned lands released by the Federal Government, including those not under the Ancestral Lands. In fact, we might want to consider applying the zoning plan to all unzoned properties on Guam, including, tentatively, those federal properties not being released, but under uses that can be matched to the Zoning Plan. Such Island-wide zoning had been adopted

"ALL LIVING THINGS OF THE EARTH ARE ONE"

into law ten years ago under the I Tano'-ta Land Use Plan, by direction of the Guam Legislature, although that plan no longer is in force.

In lieu of a revised zoning code, a mechanism exists for owners to change zones of their properties. This involves applying for a zone change to the Guam Land Use Commission. Staff of the Department of Land Management assist applicants in obtaining requested zone changes and offer professional advice on best procedures to take. This zone change process allows for review and comments by technical staff of the Government as well as notification in writing to neighboring property owners who will be impacted by the zone change and public hearings in the village where the property is located, as well as review by the Mayor and Planning Council of the village. Adequacy of infrastructure to support the uses allowed in the new zone, and conformity with neighbors are all addressed. Many safeguards of this process are lost when properties are spot zoned through the legislative process, actually leading to more problems for the owners and decrease in the quality of life for the surrounding community. Well known examples of such problems include decrease in public water pressure, contamination of our well water, traffic safety risks, inadequate parking, devaluation of neighboring properties, etc.

This ongoing process, of spot zoning by law, leads to increased deficiencies in infrastructure and public services, damage to natural resources, degradation of the environment and overall lowering of the quality of life and loss of potential economic development.

Therefore, we generally oppose the provision of zone changes for individual properties through this legislative process and recommend that in the future unzoned properties be directed to the Guam Land Use Commission for rezoning.

We further recommend that the Guam Legislature support new efforts to develop an updated and revised Land Use Plan and Zoning Code for the Island.


LORILEE T. CRISOSTOMO
Administrator



GUAM POWER AUTHORITY

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

September 18, 2009

Senator Vicente C. Pangelinan
Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land
Thirtieth Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Subject: Written Testimony on Bill 30-187(COR)

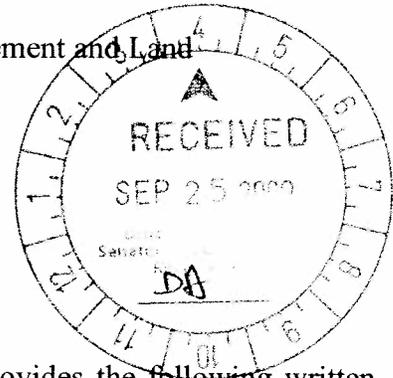
Dear Senator Pangelinan:

GPA has completed its review of the proposed legislation and provides the following written testimony. GPA understands that since the property is without an existing zoning designation that the Guam Land Use Commission is unable to act on this matter. Under the Development Review Committee, GPA provides position statements to the GLUC on zoning and other land activities. The position statement is designed to ensure compliance with GPA standard, rules and polices and to evaluate the ability to support the proposed development and the impact, if any, to GPA's infrastructure.

Although the property owner has not submitted plans, GPA understands that the property does not have existing electrical facilities and that it is the intent of the owner to develop a business that requires Heavy Industrial zone.

Consequently, GPA provides the following comments and recommendations concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the 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
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements
 - Secure electric utility easements required
 - 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 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 "fair share" assessment for power generation, transmission and/or substation facilities may be required.

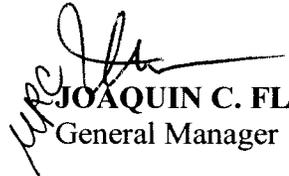


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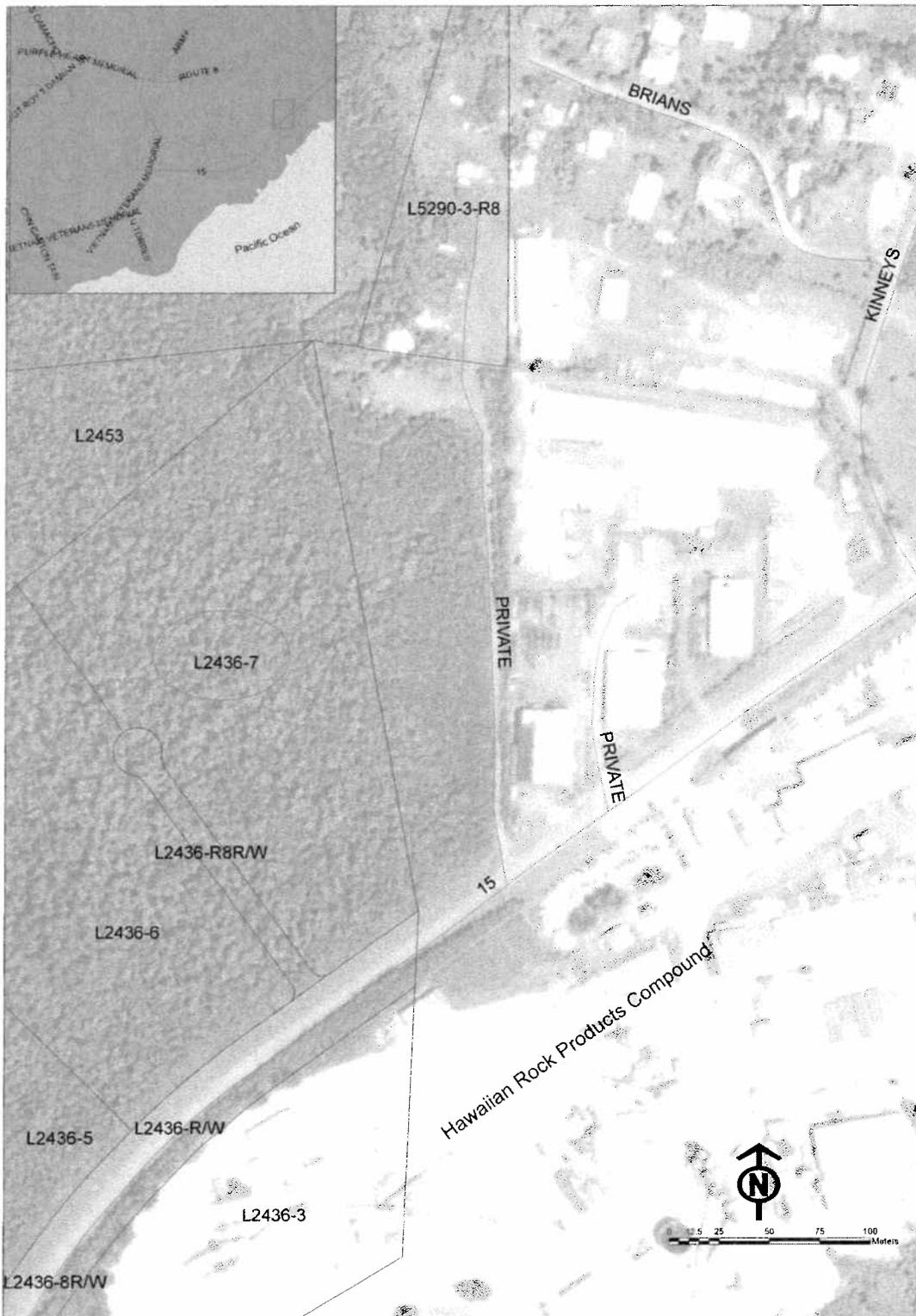
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. GPA will be responsible for performing the work. The applicant will be responsible for the minimum cost of upgrading the line (less projected revenue) if submitted plans indicate additional capacity is required.

Thank you for the opportunity to voice our concerns and for your thoughtful and deliberate consideration. GPA remains committed in serving our island community in providing reliable and efficient electrical service.

Sincerely,


Joaquin C. Flores, P.E.
General Manager

Lot 2436-7, Mangilao





COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

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July 29, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 30-187, 30-188, 30-189

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 30-187(COR), 30-188(COR), and 30-189(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

I Mina' Trenta Na Liheslaturan Guåhan
Bill Log Sheet
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
30-187 (COR)	A. B. Palacios, <i>Sp. Speaker</i>	An act to zone the previously unzoned Lot Number 2436-7 in the municipality of Mangilao to Heavy Industrial (M-2) Zone.	7/24/09 8:48 a.m.	7/29/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land			
30-188 (COR)	J. V. Espaldon	An act to amend §61531 of Chapter 61, Title 21, Guam Code Annotated, relative to expanding the provisions of the automobile parking space provision.	7/24/09 2:42 p.m.	7/29/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land			
30-189 (COR)	J. V. Espaldon, B. J.F. Cruz, R. J. Respicio	An act to create the 12 th Festival of Pacific Arts Coordinating Committee.	7/24/09 2:42 p.m.	7/29/09	Committee on Tourism, Cultural Affairs, Public Broadcasting and Youth			



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

September 18, 2009

Memorandum

To: All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at 8:30am on **Friday, September 25, 2009** at the Guam Legislature's Public Hearing Room. The following confirmations and bills are on the agenda:

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission
Mr. Andrew Chung Park, Member, Guam Land Use Commission
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board
Ms. Antonita S. Camacho, Member Guam Banking & Insurance Board

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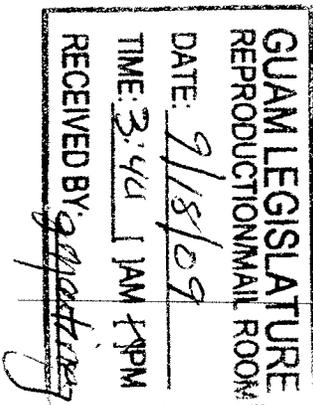
Bill No. 165 (LS): AN ACT TO AMEND 5 1512.I(i) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

Bill No. 30-173 (COR): AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 6 4 GCA RELATIVE TO THE PERSONNEL EMPLOYED FOR THE PURPOSE OF ENFORCING THE *GUAM TERRITORIAL INCOME TAX LAW*.

Bill No. 30-174 (COR): AN ACT TO AMEND §26203(k)(9), (28), (29), (30), (31) AND (32), OF CHAPTER 26, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE EXEMPTIONS AMOUNT FROM FORTY THOUSAND(\$40,000) TO FIFTY THOUSAND (\$50,000) DOLLARS AND THE LIMITATIONS ON GROSS INCOME FROM FIFTY THOUSAND DOLLARS (\$50,000) TO TWO HUNDRED THOUSAND (\$200,000) DOLLARS.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net



Memo to All Senators
September 25, 2009
Page 2

Bill No. 30-187 (COR): AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE.

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Bill No. 218-30 (LS): AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW § 80105 (a) TO TITLE 21, GUAM CODE ANNOTATED.

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Jimmy Espaldon <senator@espaldon.com>,
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tunsio@guamlegislature.org,
Stephanie Mendiola <sem@guamlegislature.org>
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Please see attached

--
Lisa Cipollone
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Office of Senator ben c. pangelinan
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Office of the People's

Senator
Iben Pangselman

Notice of Public Hearing

Date: Friday, September 25, 2009

Time: 8:30am

Place: Guam Legislature Public Hearing Room

Agenda

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
Ms. Antonia S. Camacho, Member, Guam Banking & Insurance Board

Bill No.:

Bill No. 163 (COR): AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 5 OF 5GCA RELATIVE TO CREATING AN ON-LINE BIDDING OPTION FOR GOVERNMENT PROCUREMENT.

Bill No. 165(LS): AN ACT TO AMEND 5 1512.1(f) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED: RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

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Miner Terica Ne Lhasauman Guaman
THIRTIETH GUAM LEGISLATURE

Senator Iben "Ben" G. Pangselman

PUBLIC HEARING NOTICE
FRIDAY, SEPTEMBER 25, 2009, 8:30AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

Agenda

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
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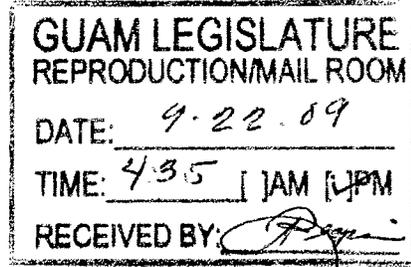
Senator vicente (ben) c. pangelinan (D)

September 22, 2009

SECOND NOTICE

Memorandum

To: All Senators
From: Senator ben pangelinan
Re: Public Hearing Notice



Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
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Memo to All Senators
September 22, 2009
Page 2

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Tom Ada <tom@senatorada.org>,
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"Frank F Blas, Jr" <frank blasjr@gmail.com>,
"Edward J B Calvo" <sencalvo@gmail.com>,
BJ Cruz <senadotbjcruz@aol.com>,
Jimmy Espaldon <senator@espaldon.com>,
Judi Won Pat <info@judiwonpat.com>,
Senator Judi Guthertz <judiguthertz@pticom.com>,
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ABPalacios@gmail.com,
Matt Rector <matt@mattrector.com>,
"Rory J Respicio" <roryforguam@gmail.com>,
Ray Tenorio <ray@raytenorio.com>,
Teio Taitague <senatorteio@gmail.com>
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roberto phil@gmail.com,
psantos@guamlegislature.org,
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Yong Pak <yong@guamlegislature.org>,
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Office of Public Hearing
Senator
Ben Pangestiman

Notice of Public Hearing
Date: Friday, September 25, 2009
Time: 8:30am

Place: Guam Legislature Public Hearing Room

Agenda
Confirmation for the following:

Mr. Roland S. Cereza, Member, Guam Land Use Commission,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
Ms. Antonia S. Canacho, Member, Guam Banking & Insurance Board

Bills:
Bill No. 163 (COR): AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 5 OF SGCA RELATIVE TO CREATING AN ON-LINE BIDDING OPTION FOR GOVERNMENT PROCUREMENT.

Bill No. 155(LS): AN ACT TO AMEND 5 1512.1(f) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

Bill No. 30-173 (COR): AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 64 GCA RELATIVE TO THE PERSONNEL EMPLOYED FOR THE PURPOSE OF ENFORCING THE GUAM TERRITORIAL INCOME TAX LAW.

Bill No. 30-174(COR): AN ACT TO AMEND §26203(k)(9), (28), (29), (30), (31) AND (32), OF CHAPTER 26, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE EXEMPTIONS AMOUNT FROM FORTY THOUSAND (\$40,000) TO FIFTY THOUSAND (\$50,000) DOLLARS AND THE LIMITATIONS ON GROSS INCOME FROM FIFTY THOUSAND DOLLARS (\$50,000) TO TWO HUNDRED THOUSAND (\$200,000) DOLLARS.

Bill No. 30-187 (COR): AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2437-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE.

Bill No. 30-188 (COR): ACT TO AMEND §61531 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE PROVISIONS OF THE AUTOMOBILE PARKING SPACE PROVISION.

Bill No. 201-30 (COR): AN ACT TO AMEND SUBITEM (h) OF TITLE 21 GUAM CODE ANNOTATED CHAPTER 61 61503, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS.

Bill No. 218-30 (LS): AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW §80105 (a) TO TITLE 21, GUAM CODE ANNOTATED.

For copies of bills, you can log onto <http://guamlegislature.com> If you require any special accommodations, please contact the Office of



Office of the Inspector General
SENATOR BEN PANGESTIMAN
SENATOR MICHAEL "DINO" G. PANGESTIMAN

PUBLIC HEARING NOTICE
FRIDAY, SEPTEMBER 25, 2009, 8:30AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

Agenda

Confirmation for the following:
Mr. Roland S. Cereza, Member, Guam Land Use Commission,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
Ms. Antonia S. Canacho, Member, Guam Banking & Insurance Board

Bill No. 163 (COR):
An Act to add a new article 14 to chapter 5 of SGCA relative to creating an on-line bidding option for government procurement.

Bill No. 155 (LS):
An Act to amend 5 1512.1(f) of article 5 to chapter 1, title 5, Guam code annotated, relative to prior year individual and corporate tax refunds including interest paid through bond proceeds authorized under public law 30-7.

Bill No. 30-173 (COR):
An Act to add a new article 6 to chapter 64 GCA relative to the personnel employed for the purpose of enforcing the Guam Territorial Income Tax Law.

Bill No. 30-174 (COR):
An Act to amend §26203(k)(9), (28), (29), (30), (31) and (32), of chapter 26, title 11 Guam code thousand (\$30,000) dollars and the limitations on gross income from fifty thousand dollars (\$50,000) to two hundred thousand (\$200,000) dollars.

Bill No. 30-187 (COR):
An Act to zone the previously unzoned lot number 2437-7 in the municipality of Mangilao to heavy industrial (M-2) zone.

Bill No. 30-188 (COR):
Act to amend §61531 of chapter 61, title 21, Guam code annotated, relative to expanding the provisions of the automobile parking space provision.

Bill No. 201-30 (COR):
An Act to amend subitem (h) of title 21 Guam code annotated chapter 61 61503, relative to exceptions to yard and area regulations

Bill No. 218-30 (LS):
An Act to transfer properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission, by adding a new §80105 (a) to the title 21, Guam code annotated.

For copies of bills, you can log onto <http://guamlegislature.com>. If you require any special accommodations, please contact the Office of Senator Ben Pangestiman at 473-4236 or email at senbenp@guam.net



**Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE**

Senator vicente "ben" c. pangelinan

PUBLIC HEARING NOTICE

Friday, September 25, 2009

8:30am

Guam Legislature Public Hearing Room

Agenda

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission

Mr. Andrew Chung Park, Member, Guam Land Use Commission

Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board

Ms. Antonita S. Camacho, Member, Guam Banking & Insurance Board

Bills:

Bill No. 163 (COR): An act to add a new Article 14 to Chapter 5 of 5GCA relative to creating an On-Line Bidding Option for government procurement.

Bill No. 165 (LS): An act to amend § 1512.1(i) of Article 5, Chapter 1, Title 5, Guam Code Annotated; relative to prior year individual and corporate tax refunds including interest paid through bond proceeds authorized under Public Law 30-7.

Bill No. 30-173 (COR): An act to add a new Article 6 to Chapter 6 4GCA relative to the personnel employed for the purpose of enforcing the Guam Territorial Income Tax Law.

Bill No. 30-174 (COR): An act to amend §26203(k)(9), (28), (29), (30), (31) and (32), of Chapter 26, Title 11 Guam Code Annotated relative to increasing the exemptions amount from Forty Thousand (\$40,000) to Fifty Fhousand (\$50,000) Dollars and the limitations on gross income from Fifty Thousand Dollars (\$50,000) to Two Hundred Thousand (\$200,000) Dollars.

Bill No. 30-187 (COR): An act to zone the previously unzoned lot number 2436-7 in the Municipality of Mangilao to Heavy Industrial (M-2) zone.

Bill No.30-188 (COR): An act to amend §61531 of Chapter 61, Title 21, Guam Code Annotated, relative to expanding the provisions of the automobile parking space provision.

324 W. Soledad Ave. Hagatna, Guam 96910

Ph. 473-4236 Fax. 473-4238

Email: senbenp@guam.net

Bill No. 201-30 (COR): An act to amend subitem (h) of Title 21 Guam Code Annotated Chapter 61 § 61503, relative to exceptions to yard and area regulations.

Bill No. 218-30 (LS): An act to transfer properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission, by adding a new § 80105 (a) to Title 21, Guam Code Annotated.

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**Bureau of Budget & Management Research
Fiscal Note of Bill No. 187 (COR)**

AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Christopher M. Dueñas
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Land Survey Revolving Fund) appropriation(s) to date:	\$3,542,117
Total Department/Agency Appropriation(s) to date:	\$3,542,117

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2009 Unreserved Fund Balance	\$0	\$0	\$0
FY 2010 Adopted Revenues	\$0	\$0	\$0
FY 2010 Appro. (P.L. 30-55 thru 30-112)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Tourist Attraction Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: Evelyn G. Fernandez Date: _____ Director: Bertha M. Duenas Date: APR 29 2010
 Evelyn G. Fernandez Bertha M. Duenas, Director, BBMR

Footnotes:
 The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

SBill No. 187-30(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C. ///		✓*			
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo /	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

18 1 _____ _____ 2

CERTIFIED TRUE AND CORRECT:

Patricia C. Lopez
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 JUL 24 AM 8:48 me

Bill No. 30- 18760R)

Introduced by:

Judith T. Won Pat, Ed.D.
Tina Rose Muña Barnes

**AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT
NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO
TO HEAVY INDUSTRIAL (M-2) ZONE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Lot Number 2436-7, in the Municipality of Mangilao, which belonged to the Estate of
4 Encarnacion Pereira Cruz was deeded back to the family by the Guam Ancestral Lands
5 Commission, pursuant to Public Law Nos. 22-145, 23-23, 23-141, 25-45, 25-178, 26-36
6 and 26-100, which requires that excess federal properties turned over to the government
7 of Guam then be transferred over to the estates of the original landowners.

8 This parcel is on the frontage of Route 15. The frontage area is comprised of
9 Heavy Industrial (M-2) zone. The property was purchased from the Estate of
10 Encarnacion Pereira Cruz and is now owned by Mr. Hang Chieng Tan, who wishes to
11 develop a business that requires Heavy Industrial M-2 zone.

12 Without an existing zone designation, the Guam Land Use Commission is unable
13 to act on this matter. Authority to establish a comprehensive zoning plan for Ancestral
14 Lands Commission properties, including those released by the Commission to original
15 landowners, lies exclusively with the Provisional Commission for the Zoning of
16 Ancestral Lands. The requested zone is consistent with the provisional commission's

1 recommendation for zoning in the Radio, Barrigada area. However the applicant is
2 requesting and expedited process to establish an appropriate zone for Lot Number 2436-7
3 in the municipality of Mangilao.

4 **Section 2. Lot Zoning.** Notwithstanding any provision of the Law, Lot Number
5 2436-7 in the Municipality of Mangilao is hereby zoned Heavy Industrial (M-2) Zone.