



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-966
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 10/4/11
Time 4:00 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 243-31 (COR) "AN ACT TO REZONE LOT 6, BLOCK 2, TRACT 148 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO LIMITED INDUSTRIAL ZONE (M1)", which was signed into law on September 30, 2011 as Public Law 31-120.

Senseramente,


EDDIE BAZA CALVO

2011 OCT -5 AM 8:09
[Handwritten mark]

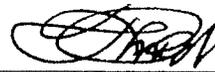
Attachment: copy of Bill

966

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 243-31 (COR)**, "AN ACT TO REZONE LOT 6, BLOCK 2, TRACT 148 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO LIMITED INDUSTRIAL ZONE (M1)," was on the 19th day of September, 2011, duly and regularly passed.



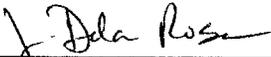
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept, 2011, at 4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

SEP 30 2011

Public Law No. 31-120

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 243-31 (COR)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO REZONE LOT 6, BLOCK 2, TRACT 148 IN
THE MUNICIPALITY OF *BARRIGADA* FROM
AGRICULTURAL ZONE (A) TO LIMITED
INDUSTRIAL ZONE (M1).**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that a
3 conditional use permit was approved pursuant to a Notice of Action dated August
4 1993 under Application No. 92-082 for Lot 6, Block 2, Tract 148, *Barrigada*
5 allowing a retail-wholesale outlet with accessory storage facilities. *I Liheslaturan*
6 *Guåhan* finds that said lot should be properly zoned.

7 **Section 2.** Lot 6, Block 2, Tract 148 in the municipality of *Barrigada* is
8 hereby rezoned from Agricultural Zone (A) to Limited Industrial Zone (M1).

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

Bill No. 243-31(COR)

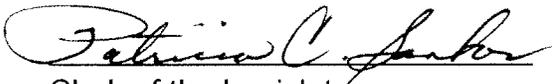
Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓	✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL 14 15 1 0 0 0

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUL 29 2011

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 243-31 (COR), As Introduced

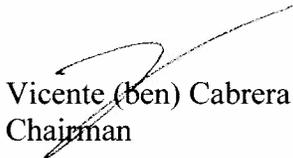
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. Bill No. 243-31, As Introduced, "An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial", sponsored by Senator BJ Cruz, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 2 TO PASS
- 0 NOT TO PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Chairman

2011 AUG -3 PM 4:26

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

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

**COMMITTEE REPORT
ON**

Bill No. 243-31 (COR), As Introduced

Sponsored by BJ Cruz

**An Act to re-zone Lot 6, Block 2, Track 148 in
the Municipality of Barrigada from “A” to
“M-1” Light Industrial**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUL 29 2011

MEMORANDUM

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

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 243-31 (COR), As Introduced

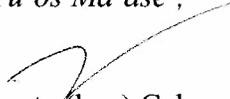
Transmitted herewith for your consideration is the Committee Report on Bill No. 243-31, As Introduced, "An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial", sponsored by Senator BJ Cruz.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 243-31 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copy of fiscal note
6. Copy of COR referral Bill No. 243-31 (COR)
7. Notices of Public Hearing
8. 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'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Chairman

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

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

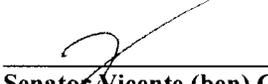
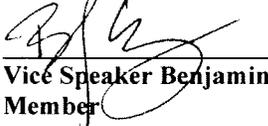
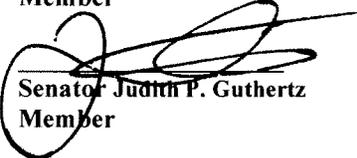
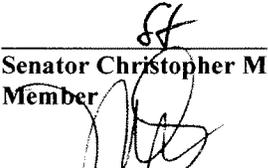
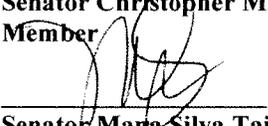
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

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

Bill No. 243-31 (COR), "An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial".

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	_____	_____	✓	_____	_____
Speaker Judith T. Won Pat, Ed.D Vice Chairperson	_____	_____	_____	_____	_____
 Vice Speaker Benjamin J. F. Cruz Member	7/29/11 ✓	_____	_____	_____	_____
Senator Tina Rose Muña-Barnes Member	_____	_____	_____	_____	_____
 Senator Judith F. Guthertz Member	_____	_____	✓	_____	_____
Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
Senator V. Anthony Ada Member	_____	_____	_____	_____	_____
 Senator Christopher M. Duenas Member	_____	_____	✓	_____	_____
 Senator Maria Silva Taijeron Member	✓	_____	_____	_____	_____



Committee Report

Bill No. Bill No. 243-31, As Introduced, “An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from “A” to “M-1” Light Industrial”.

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on July 11, 2011 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 July 4, 2011 (5-Day Notice), and again on July 8, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente “ben” Cabrera Pangelinan, Chairman
Senator Christopher Duenas, Member
Senator Tony Ada , Member
Senator Adolpho Palacios
Senator Aline Yamashita
Senator Sam Mabini

(b) Appearing before the Committee

Mr. Patrick Civile, representing South North Harmon, LLC

(c) Written Testimonies Submitted

Mr. Carlos R. Untalan, Acting Director of the Department of Land Management
Mr. Thomas A. Cruz, P.E., Acting Chief Engineer, Guam Waterworks Authority

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

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
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Member
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Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Senator Vicente Pangelinan. [translated from Chamorro] Good Morning ladies and gentlemen. We are hereby convening the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land. I want to thank my colleagues who are here with me this morning: Senator Adolpho Palacios and Senator Aline Yamashita. We have a large agenda this morning and we will return this afternoon to pick up where we left off pursuant to the public notices that were issued as required by law. All of the notices required by law were issued in accordance with the time frames required in those statutes.

In all of these rezoning legislation that is being proposed by members of the body, the Committee on Land has taken it upon itself to put it as part of its procedure, notification to all public agencies that are normally consulted during the public hearing process and during the request for zoning change processes that is undertaken by the Guam Land Use Commission. If you go to the Guam Land Use Commission they have a process of getting public comment as well as agency comments. The Committee has sent notices to all of those agencies that are required to comment during the Guam Land Use [process] plus we have added other departments and agencies.

For the record, on the list of notification that were sent out on Bill No. 243, it was sent to the Governor, Lt. Governor, Office of the Attorney General, BBMR, Department of Land Management, Chamber of Commerce, the Application Review Committee, which is all the departments and agencies that would normally comment on rezoning proposals.

Just for the record, when we say we send out notices to the Application Review Committee, the members are: the Department of Public Works, the Guam Environmental Protection Agency, Bureau of Statistics and Plans, the Department of Agriculture, Guam Power Authority, Guam Waterworks Authority and the Department of Parks and Recreation. When we receive a bill that proposes a legislative rezoning, the Committee sends that proposed bill and the identification of the property to each of these agencies for their comment and review pursuant to their statutory authorities. It's the same request that is made by the Guam Land Use Commission when they address a review process. I cannot tell you why we don't receive responses from these agencies, but we do follow up and we ask the authors of the bill, as well to follow up.

On the legislative side, we are trying to do all that we can to ensure that there is proper review from the appropriate agencies that are tasked with looking at land rezoning and land use on Guam. We are trying to not circumvent the review process by notifying these agencies. I want to assure the general public that that is something we are doing at the Committee level to ensure that the public doesn't get surprised on these [land rezoning], in addition to the requirements that we have with regard to public notices. We are going to make some tweaking to the review process during the legislature; I think Senator Duenas has a bill that addresses those concerns.

Henry Bell from Guam Waterworks. We receive a fax from your office concerning these properties that are [proposed to be] rezoned. Our agency is asking that proper time; we need more time to review it and make comments regards to the zoning.

Senator Vicente Pangelinan. We will keep the record open until we ready to address it on the legislative floor, within reason. But, we will not hold any department or agency to the 10-day comment period that is normally afforded public comment because we think these matters are important and would like to have members of the legislature be privy to any information up until the time it is discussed. Thank you very much.

This morning we will go ahead and proceed quickly into the agenda since we have quite a number. Next item on the agenda is Bill No. 243-31, “An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from “A” to “M-1” Light Industrial”. We will receive testimony on Bill 243. We have Mr. Patrick Civile, who is here to present testimony. Mr. Civile, please begin.

(b) Testimonies

1) Mr. Patrick Civile. Mr. Chairman, Senators, Good Morning. My name is Patrick Civile. I am an attorney here in Guam representing South North Harmon, LLC, which is the lessee of this particular property. I begin my comments first by saying, Mr. Chairman I am happy to see you back and it looks like you are in the “pink of health”, so it’s good to see you.

This is the old Gesco building; the electrical supply warehouse on Bello Road. I think most of you have driven by it, if you haven’t been actual customers of them when they were in business. We are seeking to change the zoning from... although it is zoned “A”, there is actually and has been for several years a conditional commercial rating for the building of the property and we now seek to have it re-zoned to light industrial. The reason - and I will anticipate questions from Senator Yamashita - that we are coming before this Committee is that, you have heard from others, the process of getting these types of changes is not only expensive but extremely time consuming.

Our client has a tenant who is interested in using this property and particularly in this market, where it is very hard to find tenants, we are anxious not to lose the tenant. That’s why we are seeking a quicker route to re-zoning. One of the things I note is that the light industrial zone would allow things such as warehousing; it’s consistent with the use of, similar property in the neighborhood. It’s a mixed-use sort of neighborhood – Bello Road has a great deal of traffic. It’s used as a short cut up to Latte Heights and into Dededo.

Some of you may recall that Yama’s Company has their equipment storage yard caddy corner directly across from us. There’s quite a bit of warehouse use of land in that area. It is not suitable actually and one of the reasons that we had a conditional use is that there was a determination by the GLUC that the land was simply not suitable for agriculture; it’s poor soil and it just isn’t used for that. There is some residential; there’s a residential compound – Wald compound across the street, but it’s a mixed use area and we think that the use that our prospective tenant is going to put to this, either in terms of equipment storage, warehousing or

the operation of --- they have an LP gas business that would store equipment on there and is consistent with other uses for property, similar property in the neighborhood.

One of the concerns I heard the Committee mention today – and we of course welcome comments from any of the agencies. I have a little different take on it. I think even if you grant the variance, whoever uses the property and in this case, our tenant would still have to satisfy the agency; say for example EPA or Waterworks or the Fire Department that they meet the requirements for safety for their business. I suspect if the agencies are not commenting now that they'll certainly comment, say at the business license process. Those are my comments.

Senator Vicente Pangelinan. Si Yu'os Ma'ase, Mr. Civile. Any questions, Senator Palacios? Senator Yamashita? Senator Ada? Senator Duenas?

Senator Chris Duenas. Good morning, Mr. Civile.

Mr. Patrick Civile. Good morning, Senator.

Senator Chris Duenas. Your testimony in the beginning said that the lessee is applying for the zone change?

Mr. Patrick Civile. Yes, I believe that's correct. The fee is owned by Pacifico and Arcadio Bignayan and it was leased to Kevin Chen and now has been sub-leased to South North Harmon, LLC.

Senator Chris Duenas. So, the owner is not applying for the zone change.

Mr. Partrick Civile. The lease agreement with the owner provides or authorizes the tenant to apply for a zoning variance.

Senator Chris Duenas. Ok. I wanted to clarify that because there are other situations that are currently - that I am aware of - under litigation that the owner did not give authority. So there is clear authority?

Mr. Patrick Civile. There is clear authority, yes. I wouldn't be here if there weren't.

Senator Chris Duenas. Just had to make sure. Because of the fact that my office has been getting a number of letters from situations that are happening outside of that situation that the owners did not permit. You explained a little bit; I just wanted to get a little bit more detail on what M-1 will allow for other than the conditional use "C" currently under use.

Mr. Patrick Civile. M-1 would allow a variety of uses: automobile repair shops, bottling and packaging plants. What I think is relevant for our purposes; warehouse and cold storage plants, contractor's equipment storage yards and the like, is how the statute reads.

Senator Chris Duenas. Are those uses currently under way under the conditional use?

Mr. Patrick Civile. No, under the conditional use, it was retail and warehouse space for Gesco when it had the electrical supply house there; electrical equipment warehouse and retail outlet. I think the use by the – that’s caddy corner the property – Yama’s has their offices there and their equipment storage yard there and that would be typical M-1 usage.

Senator Chris Duenas. Ok. You are looking definitely to expand and upgrade here in terms of the capability outside of what the current conditional use is.

Mr. Patrick Civile. Yes, I think that in terms of --- that an M-1, particularly if we store things or use it was a warehouse, if our tenant does that, that it would be more appropriate under an M-1. I don’t know if it is all that different than how it’s been used, but is certainly the more correct zoning.

Senator Chris Duenas. The reason I asked the question is just once again, whether there is comment or not, there definitely is through the application process; the ARC, which all regulatory agencies and bodies submit their comments and in this situation particularly I would think once again we would be up against stringent requirements from EPA in terms of monitoring and understanding the type of activity that would be conducted....

Mr. Patrick Civile. I think EPA would – I am quite certain they do that, in any event.

Senator Chris Duenas. It’s just the thing – the cart and the horse. Usually EPA – their flag would be up. They would know because the application came through. They would be aware that there’s monitoring needed and required in this are other than it be reporting issue or them to happen upon it while doing other inspections in the area. I am not sure and I’m going to look into our procedure for notification post legislative approval of zoning changes. If it is not in place, I think it’s going to be a responsibility of ours, especially when you go radical like this and I think – I understand where you are coming from, especially under conditional use. Conditional use is nice, actually. A lot of times, they become permanized because it has been an accepted practice in the community and that is sort of a “feeling out” of the use of the property. I am just concerned that we be able to notify those regulatory agencies should this body approve this so it would be something that they could monitor.

Mr. Patrick Civile. Thank you Senator. If it allays any of your concerns, my understanding how the process works and what I experienced before is that it is not really happenstance or serendipity that EPA might just happen to find out. The sub-tenant will have to get a business license and EPA will have to sign off on that process. So, they are going to know what the use is. They will be fully alerted.

Senator Chris Duenas. But they are currently operating under a license, right? They are doing business right now, right?

Mr. Patrick Civile. No, the prospective sub-tenant we have is not doing business at that site.

Senator Chris Duenas. So, this is an expansion of this property?

Mr. Patrick Civile. No, it's just that Gesco went out of business.

Senator Chris Duenas. So, it's vacant.

Mr. Patrick Civile. Now, it's vacant.

Senator Chris Duenas. I understand now it would be a new application. I was following this as you had a current tenant on board that was upgrading their....

Mr. Patrick Civile. No, sorry. We have a prospective tenant to go into what is now vacant.

Senator Chris Duenas. Now, I feel better. It's going to be a new business license applied for which would..... I was following this as an upgrade to a current tenant that was looking to permanize this zone. Thanks for the information.

Mr. Patrick Civile. Thank you.

Senator Vicente Pangelinan. Thank you. But I would say even if there was an existing business you up-zone, that new use would still need to be approved by the regulatory agencies after you up-zone if you were to then upgrade your use to fit with the new allowed or permitted use. That still needs to be reviewed.

Senator Chris Duenas. That's only if they apply for a license, right?

Senator Vicente Pangelinan. They would be in violation if they didn't.

Mr. Patrick Civile. Right. They have to apply.

Senator Vicente Pangelinan. Thank you very much and Si Yu'os Ma'ase for your presentation this morning.

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 243-31 (COR), As Introduced with the recommendation **TO REPORT OUT ONLY.**

2011 JUN 12 PM 4:16
405M

**MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2001 (FIRST) REGULAR SESSION**

Bill No. 243-31 (COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO RE-ZONE LOT 6, BLOCK 2, TRACK 148 IN THE
MUNICIPALITY OF BARRIGADA FROM "A" TO "M-1"
LIGHT INDUSTRIAL

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

2 **Section 1.** Legislative Findings. *I Liheslaturan Guåhan* finds that a
3 conditional use permit was approved pursuant to a Notice of Action dated
4 August 1993 under Application No. 92-082 for Lot 6, Block 2, Tract 148,
5 Barrigada allowing a retail-wholesale outlet with accessory storage facilities.
6 *I Liheslaturan Guåhan* finds that said lot should be properly zoned.

7 **Section 2.** Lot 6, Block 2, Track 148 in the Municipality of Barrigada
8 is rezoned from "A" to "M-1" Light Industrial.



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
 INSURANCE, RETIREMENT AND LAND**
 Monday, July 11, 2011
Bill No. 243-31 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
PATRICK GUILLE	330 HESMAN CONCRETE	472-8868	Ben.V.Cabrera@legis.gov.gu		✓	Yes



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



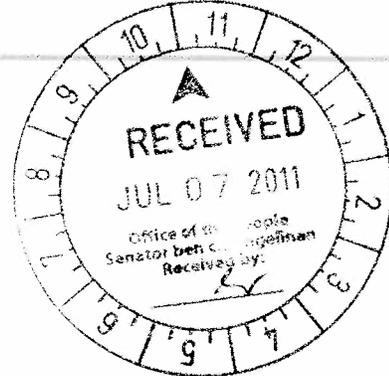
EDDIE BAZA CALVO
 Governor

CARLOS R. UNTALAN
 Acting Director

RAY TENORIO
 Lieutenant Governor

July 6, 2011

Honorable Senator Vicente C. Pangelinan
 Suite 101 Quan Building
 West Soledad Ave.
 Hagåtña, Guam 96910



Subject: Comments on Bill No. 243-31

Our comments on Bill 243-31(COR) - **AN ACT TO REZONE LOT 6, Block 2, Track 148 IN THE MUNICIPALITY OF BARRIGADA FROM "A" TO "M1"** is as follows:

Prior & Pending Land Use Action: On August 19, 1993 then Territorial Land Use Commission (TLUC) approved a Conditional Use Permit for the purpose of a retail-wholesale activity operation with accessory storage facilities in an "A" (Agricultural-Rural) zone. The conditions of approval were:

1. That the proposed structures be built as per application (as submitted to the Territorial Land Use Commission) and shall not be altered nor enlarged; and
2. That the applicant complies with all Development Application Committee (DRC) conditions and requirements.

The dissenting DRC agencies cited potential hazards due to the increase in traffic in an already-strained sub-arterial road. Notwithstanding the objections, the TLUC approved the conditional use request.

The conditional use permit bounds the property owner to use the property solely for what was approved; and that any additional use(s) or alteration of approval must be re-subjected to Commission review and decision. Until most recently, the use conducted was for a "lighting and electrical retail/wholesale business".

The current action to rezone the property to "M-1" would transition the "conditional use" approval and allow such previous commercial use to be a "permitted use" in the light industrial zone.

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:
dlm@dlm.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

Continuation of Letter
RE: Comments on Bill 243-31
July 6, 2011
Page 2 of 3

Surrounding Land Uses: Current land uses surrounding the subject lot consists of both multi-family, single-family residential development with Commercial and Light Industrial use activities occurring within 500 feet of the subject property.

Adjacent and east of the subject lot is Lot 7-1, Block 2, Tract 148 which was rezoned from "A" (Rural-Agricultural) to "M-1" (Light Industrial) in 1997 for the purpose of a car repair and body shop operation. Other TLUC rezoning actions to "M-1" were on Lot 7-1 and Lot 8, Block 1, Tract 148. The headquarters for *Yama's Tour/Bus Services* is located on these lots.

The immediate area is not new to legislative action for re-zoning. Other M-1" rezoning actions made were on Lots 5224-7-1 through 5224-7-3 under Public Laws 21-55 and 22-16:3(b). Also, various lots towards the east terminus of Bello Road were also re-zoned to "M-1" as well via legislative action.

Assessment and Recommendation: Notwithstanding its conditional permit, Lot 6, Block 2, Tract 148 fringes on that small bastion of remaining rural lands in the immediate area. The area still maintains single and multi-family residences that has co-existed along the peripheral and external effects of light industrial activities for over 20 years. In deriving an assessment of the proposed legislation, we considered the potential effects such action will have on public necessity, convenience and general welfare. The justification under these criteria is based on the fact that: **1st** - all utility infrastructure are available (water, power, public sewer; roads, etc); **2nd** - past land use actions have occurred to the extent that "commercial or light industrial" uses appears to be the dominant land use in the immediate area; **3rd** - the proposed zone change and land use development is the highest and best use for this area since the permitted uses in an "A" zone such as agricultural uses is not a viable use in the area as assessed by Department of Agriculture as follows: *(Note: the Department of Agriculture has consistently submitted its Agricultural Impact Statement for the area as cited below):*

"The soil category in which the property is located is Guam Cobbly Clay loam with 3-7 percent slopes. Soils in this category are generally not very well suited for heavy commercial and subsistence farming as it contains very shallow soils and areas with heavy limestone outcrops"

More critical is that area is overshadowed by the Air Installation Compatibility Use Zone (AICUZ) having an Accident Potential Zone (APZ) factor of 1. The fact that the area is in the APZ-1 Zone requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone. The surrounding parcels have also been zoned to "Light Industrial" and industrial activities that have been in operation have not been a detriment to other current residential or competing commercial or industrial uses.

Continuation of Memorandum
RE: Comments on Bill 243-31
July 6, 2011
Page 3 of 3

If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the "Health, Safety and General Welfare that would be more pronounce should a residential community exist. The propose rezoning to "Light Industrial" is a more prudent zone designation for the area.

For the reasons cited in above preceding paragraphs, we support the rezoning of the subject lot from "A" to "M-1" Zone.

On an administrative matter, the word "TRACK" as cited in the propose Bill must be change to the word "TRACT"

I can be reached at 649-5263, extensions 311 or 612, should you have additional questions or need further clarification.

Senseramente,



Carlos R. Untalan
Acting Director, Department of Land Management

ATTACHMENT
Location Map

Cc: Planning Division, DLM

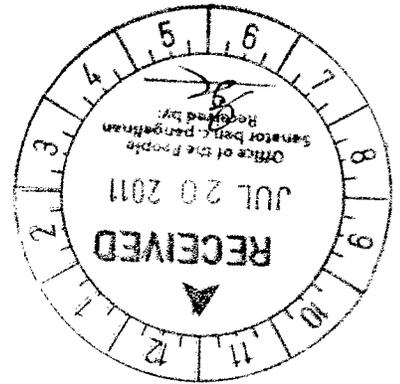
LOT 6, BLOCK 2, TRACT 148 - BARRIGADA



SUBJECT LOT
LOT 6, BLOCK 2, TRACT 148

ATTACHMENT


GUAM WATERWORKS AUTHORITY
578 North Marine Corps Drive | Tamuning | Guam 96913



July 19, 2011

Senator Vicente C. Pangelinan
Thirty First Legislature
324 West Soledad Avenue
Hagatna, Guam 96932

SUBJECT: Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

Bill No. 215-31 (COR): an Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Tract 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Honorable Senator Pangelinan:

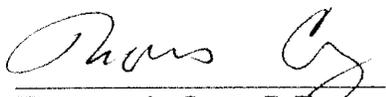
The Guam Waterworks Authority (GWA) has received a request from your Chief of Staff, Ms. Lisa Cipollone, regarding the above subject. This letter shall serve as GWA's position statement to the above zone change requests related to availability of water and sewer infrastructures to serve the above subject lots. This position statement shall not be construed as a notice that water and wastewater services are immediately available for the subject lots, nor that the current water and sewer systems have the capacities to accommodate the future developments without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the properties shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject property shall be at the expenses of the property owner.

GWA has conducted a site investigation to determine the existing water and sewer facilities adjacent to the subject properties.

- 1.) Lot No. 10060-REM-R6-NEW, Municipality of Dededo, containing an area of approximately 7,230 square meters requesting to rezone from "A" (agriculture) to "C" (Commercial). GWA has verified that there is an existing eight inches (8") waterline and an eight inches (8") sewer line located along Mepa Street fronting the subject lot.
- 2.) Lot No. 10060-REM-1-R2, Municipality of Dededo, containing an area of approximately 4,320 square meters requesting to rezone from "A" (agriculture) to "C" (Commercial). GWA has verified that there is an existing eight inches (8") waterline located along Mepa Street and Artero Drive approximately one hundred feet (100') from the subject lot. An eighteen inches (18") sewer line is located along Artero Drive fronting the northern side of the subject lot.
- 3.) Lot No. 10129-1, Municipality of Dededo, containing an area of approximately 2,047 square meters requesting to rezone from "A" (agriculture) to "C" (Commercial). GWA has verified that there is an existing eight inches (8") waterline and an eight inches (8") sewer line located along Mepa Street fronting the subject lot.
- 4.) Lot No. 1068-1-1NEW-A-R1, in the Municipality of Barrigada, containing an area of approximately 2,411 square meters requesting to rezone from "C" (Commercial) to "M-1" (Light Industrial Zone). GWA has verified that there is an existing sixteen inches (16") waterline and an eight inches (8") sewer line located along Route 8 fronting the subject lot.
- 5.) Lot No. 3, Tract 1942, in the Municipality of Barrigada, requesting to rezone from "R-1" (Single-Family Dwelling) to "R-2" (Multiple-Family Dwelling) Zone. GWA has verified that there is an existing six inches (6") waterline located along S-16 Street across the subject lot. However, there is no sewer line in the area.
- 6.) Lot No. 6, Block 2, Tract 148, in the Municipality of Barrigada, requesting to rezone from "A" (Agricultural) to "M-1" (Light Industrial) Zone. GWA has verified that there is an existing eight inches (8") waterline and an eight inches (8") sewer line located along Belo Road fronting the subject lot.

For additional information please contact Mr. Menglou Wang, Senior Engineer Supervisor, at 647-0492.

Respectfully,


Thomas A. Cruz, P.E.
Chief Engineer, Acting

Eddie Baza Calvo
Governor of Guam



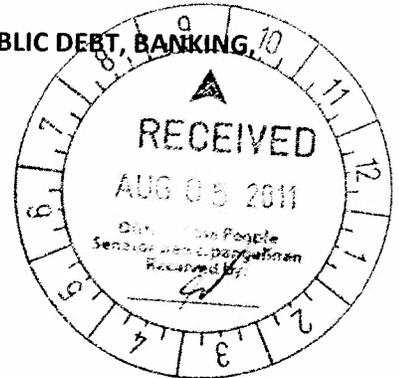
Ray Tenorio
Lieutenant Governor

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

Thomas A. Morrison
Director

**TESTIMONY BEFORE THE COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE AND LAND
BY THE BUREAU OF STATISTICS AND PLANS**

**Guam Legislature Public Hearing Room
Monday, July 11, 2011**



Honorable Chairman and Committee Members:

This testimony is provided on behalf of the Bureau of Statistics and Plans in regards to the Bill Nos. 164-31(COR), 215-31(COR), 218-31(COR), and 243-31(COR). We have reviewed the said bills and offer the following comments and concerns:

The Bureau has always had concerns with regard to the rezoning of properties by the Guam Legislature. We strongly believe that there is already a process that is in place that works and which affords the surrounding neighbors as well as the general public the opportunity to provide comments on proposed zone changes. As you are aware, the Guam Land Use Commission (GLUC) in conjunction with the Application Review Committee (ARC) is tasked with the responsibility for this process. With the technical assistance from the various government agencies and departments, the GLUC has the ability to come to a reasonable decision in the changing of zoning designations. Unlike the legislative zone change process, the GLUC guarantees that the affected registered landowners within 500 feet of the property proposed to be rezoned is informed by registered mail of the proposal and are invited to attend the GLUC Hearing to discuss any comments or concerns that they may have. Not everybody has access to the printed media to see the public announcements of upcoming public hearings and they may be unaware of the proximity of their property to the property to be rezoned. Furthermore, unlike the legislative process, the GLUC receives technical comments from appropriate government agencies on the impacts the proposed zone change may have prior to arriving at a decision.

The Bureau has attempted to provide a comprehensive review of the proposed zone changes and therefore contacted your office as well as Senator B.J. Cruz's offices, who originated the other bills, to request for maps of these subject lots mentioned in these bills. It took some time and effort, but finally, we obtained copies of the maps. We strongly believe that the maps along with other pertinent information should be provided in the bills or attached with the bills. A map is one of the most basic pieces of information needed to review legislative zoning proposals. Knowing the exact location of the subject parcel enables us to ascertain information on the surrounding land uses and zoning as well as other pertinent information that would assist us in forming a recommendation on the appropriateness of the proposed activity and zone change.

With respect to the four bills under consideration, the Bureau offers the following comments:

Bill 164-31(COR) – The Bureau suspects there may be possible military pipeline easement encroachments that impact access to the subject properties. If these parcels are zone commercial, there will be more traffic generated in the area and perhaps the use of heavy delivery trucks in addition to the commercial activities. Therefore, coordination with the appropriate military entities might be necessary. Moreover, as the area is presently zoned “A” Agricultural, an Agricultural Impact Statement from the Department of Agriculture as stipulated in Public Law 12-208 should be obtained. Until this requirement is amended, it is the Bureau’s belief this information contained in the statement should be made available to Guam’s senators before they take action to rezone agricultural property.

Bill No. 215-31(COR)- Due to the vagueness of this bill, we can only say that the area has commercial activities in the immediate vicinity such as a gas station, a feed store and restaurant, and a nearby store, and therefore might be compatible.

Bill No. 218-31(COR) – The Bureau believes that Mr. Robert Cruz could have gone before the Guam Land Use Commission for a conditional use on an “R-1” zone for the duplex or for a Summary Zone Change through the Department of Land Management rather than having to pursue a zone change by statute.

Bill No. 243-31(COR) – It is the Bureau’s position that it is unnecessary for the lot to be rezoned to “M-1”. The owners are allowed through conditional use to operate a retail/wholesale and accessory storage facility. This bill does not provide any details on how the owners intend to use this property once it is rezoned. Once the property is legislatively rezoned, no limitations can be stipulated even if the use is incompatible with the surrounding area.

The Bureau recognizes that the Guam Legislature has the authority to approve zone changes. The Bureau highly encourages the use of the GLUC process as it provides for public sector, private sector and community involvement and feedback. The Bureau further believes that the legislative route needs to include more input from all stakeholders that includes a thorough review and technical assistance from the ARC members. More importantly, the Bureau believes that immediate landowners and village’s community deserves notification when proposed zone changes effect them directly and that they should have an opportunity to express their desires to the Legislature. The Bureau applauds the intent of Bill No. 253-31(COR) introduced by Senators Chris Duenas and Judith T. Won Pat which requires a report from the Department of Land Planning Division, Department of Land Management prior a zone change bill being place on the session agenda. This is a step in the right direction, and will certainly assist in formulating a sound decision and a more solid bill. Thank you for the opportunity to comment on the above mentioned bills.


THOMAS A. MORRISON
Director

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 243-31 (COR)**

AN ACT TO REZONE LOT 6, BLOCK 2, TRACK 148 IN THE MUNICIPALITY OF BARRIGADA FROM "A" TO "M-1" LIGHT INDUSTRIAL.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept. Head: Carlos R. Untalan, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Land Survey Revolving Fund) appropriation(s) to date:	3,364,412
Total Department/Agency Appropriation(s) to date:	\$3,364,412

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$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 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / x / Yes / / No
If Yes, see Attachment.
2. 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
3. Does the Bill establish a new program/agency? / / Yes / x / No
If yes, will the program duplicate existing programs/agencies? / x / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x / No
5. 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: 7/18/11 Director: John A. Rios Date: 7/18/11
Evelyn G. Fernandez John A. Rios, Acting Director

Footnotes:

- 1) See attachment to fiscal note.

**Bureau of Budget & Management Research
Attachment to Fiscal Note No. 243-31(COR)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General	1/	1/	1/	1/	1/
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	1/	1/	1/	1/	1/

Comments:

1/ There is a potential for additional revenues to the Government of Guam in terms of real property and income taxes if Lot 6, Block 2, Tract 148 is properly zoned from Agricultural "A" to Light Industrial "M-1" and if used for commercial or industrial purposes.

The overall potential financial impact of the Bill, in its present form, cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JUN 24 PM 2:04

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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Vice Speaker
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Senator
vicente c. pangelinan

MINORITY MEMBERS:

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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Ducnas

June 23, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 242-31 (COR) through 246-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 242-31 (COR) through 246-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(4) Attachment

I Mina Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 22, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
243-31 (COR)	B. J.F. Cruz,	AN ACT TO RE-ZONE LOT 6, BLOCK 2, TRACK 148 IN THE MUNICIPALITY OF BARRIGADA FROM "A" TO "M-1" LIGHT INDUSTRIAL.	6/22/11 4:16 p.m.	6/23/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



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- Calvo (10)
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- Democrat Speech
- Dos Amanes
- Farmer's Coop
- Faxes
- Faxes 31GL
- Fundraiser 2010
- FY11 Comm Rpts
- GEDA
- Grants (242)
- Messages Comm
- Messages Comm 3
- Military Buildup (2)
- NCSL Fall Seminar
- PA Docs
- PR
- Referrals
- Referrals 2011
- Retirement Fund
- Scan Documents
- Sen Travel
- senben pics
- Shinseki
- Solutions to
- Tiyan
- 7 more

From: Lisa Cipollone cipo@guamlegislature.org
 To: phnotice@guamlegislature.org
 Sent: Mon, Jul 4, 2011 at 2:55 PM
 Subject: Public Hearing - 1st Notice
 Method: guamlegislature.org

Jul 4 (4 days ago) Reply

Tanya M.C. Mendiola
 tanya4families@gmail.c...
 phnotice
 phnotice@guamlegislat...

Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuáttion Inekungok Pupbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §59103 and §59110 of this Chapter.

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

Bill No. 182-31 (COR): An Act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80 relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagatna to operate a small mobile food establishment.

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

Alas dos gidespues di talo'ani (2:00pm)

TAREHA (AGENDA)

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm - Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

Ads

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Chat

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- ✘ Scott Mendiola
- ✘ Stephanie Mendiola
- ✘ Anjelica Kulani Okada
- ✘ Elaine Tajalle
- ✘ Artemio Hernandez
- ✘ Chelsa Muna-Brecht
- ✘ Chris Budasi
- ✘ Edison Manaloto
- ✘ olivia
- ✘ Selina Onedera-Salas

3:00pm-3:30pm - Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm - Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

4:00pm-4:30pm - Bill No. 255-31 (COR): An Act to Appropriate Five Hundred Twenty-Five Thousand Dollars (\$525,000) to the Guam Department of Education for air-conditioning equipment and maintenance and collateral equipment for George Washington High School, Simon Sanchez High School, Southern High School and Agueda Johnston Middle School.

4:30pm-5:30pm - Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

5:30pm-6:30pm - Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §26203, Chapter 26, Title 11 Guam Code Annotated.

Yanggen un nisisita spesiãt na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hãlom gi i uepsait i Liheslaturan Guãhan gi www.guamlegislature.com. Yanggen para un na'hãlom testigu-mu, chule' para i ifisinan-mãmi gi 324 West Soledad Avenue gi iya Hagãña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapãsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagãña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Tanya M.C. Mendiola

 Lisa Cipollone to Tanya

Jul 5 (3 days ago) [Reply](#)

no, not this time. next hearing. we had too many bills this time.

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Tanya M.C. Mendiola to me

Jul 5 (3 days ago) [Reply](#)

thanks, lisa. :)

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Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm The agenda is as follows

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

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Chat

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**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Lunes, gi diha 11 gi Hulio, 2011
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Lisa Cipollone
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 To: cipo@guamlegislature.org

- ALICIA PEREZ
aliciaperez69@hotmail
- Alicia Perez
- Alladi, Amritha
- Betsy Brown
- Erin Thompson

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Hafa Adar,
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuåtton Inekungok Pubbleko gi Lihestaturan Guåhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

Bill No. 134-31 (COR): An Act to Re-number §§59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized

Chat

- Lisa Cipollone
- Scott Mendiola
- Stephanie Mendiola
- Anjelica Kulani Okada
- Elaine Tajalle
- Artemio Hernandez
- Chelsa Muna-Brecht
- Chns Budasi
- Edison Manaloto
- olivia
- Selina Onedera-Salas

through §59103 and §59110 of this Chapter.

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

Bill No. 182-31 (COR): An Act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80 relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagatna to operate a small mobile food establishment.

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

Alas dos gidespues di talo'ani
(2:00pm)

TAREHA
(AGENDA)

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm – Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

3:00pm-3:30pm – Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm – Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

4:00pm-4:30pm – Bill No. 255-31 (COR): An Act to Appropriate Five Hundred Twenty-Five Thousand Dollars (\$525,000) to the Guam Department of Education for air-conditioning equipment and maintenance and collateral equipment for George Washington High School, Simon Sanchez High School, Southern High School and Agueda Johnston Middle School.

4:30pm-5:30pm - Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

5:30pm-6:30pm – Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §26203, Chapter 26, Title 11 Guam Code Annotated.

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7 Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para un na 'hâlom testigu-nu, chule' para i ifisinan-mâni gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuaton Katta gi i Liheslatura, pat faks gi 473-4238, patisino imel gi senbenp@guam.net Este na nutisio inapâsi nu i fendon gubetnamento

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7 For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

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**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 11 gi Hulio, 2011
(Monday, July 11, 2011)***

***Kuátton Inekungok Pupbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas ocho i media gi egga'an
(8:30 AM)***

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(AGENDA)**

**Priniponi Siha
(Bills)**

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jose.garrido@dpr.guam.gov

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date Fri, Jul 1, 2011 at 4:43 PM
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Hafa Adai Mr. Garrido,

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This email will serve as an official notice of the public hearing. Please confirm that you have received this email.

Si Yu'os Ma'ase.

Lisa Cipollone
Chief of Staff
Office of Senator ben e. pangasinan
(671) 473-4236
cipo@guamlegislature.org

Chat

- Lisa Cipollone
Selina Onedera-Salas
Anjelica Kulani Okada
Chris Budasi
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Homeland Security

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Citizens, Economic
Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Joe U. Garrido
Application Review Committee
Department of Parks & Recreation
Agana Heights, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Garrido,

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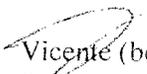
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Si Yu'os Ma'ase,


Vicente (ben) Cabrera Pangelinan
Señator



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Hafa Adai Mr. Cruz,

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Si Yu'os Ma'ase.

Lisa Cipollone
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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Thomas Cruz
Application Review Committee
Guam Waterworks Authority
Tumon, Guam

Re: Public Hearing Notice

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator

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

Vice Chairman
Committee on Education

Member
Committee on Rules,
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Committee on Education

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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Antonio Palomo
Application Review Committee
Guam Power Authority
Dededo, Guam

Re: Public Hearing Notice

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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Pete Terlaje

peterlaje@yahoo.com

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to peterlaje@yahoo.com
date: Fri, Jul 1, 2011 at 4:34 PM
subject: Public Hearing
mimed-by: guamlegislature.org

Hafa Adai Mr. Terlaje,

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Si Yu'os Ma'ase.

Lisa Cipollone
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Office of Senator Ben C. Pangolinan
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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Pete Terlaje
Application Review Committee
Guam Power Authority
Dededo, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Terlaje,

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator

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Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
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Public Hearing

from Lisa Cipollone cipo@guamlegislature.org 4:32 PM (2 minutes ago)
to ray.caseres@bsp.guam.gov
date Fri, Jul 1, 2011 at 4:32 PM
subject Public Hearing
mailed by guamlegislature.org



ray.caseres

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Hafa Adai Mr. Caseres,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at 8:30 am on Monday, July 11, 2011 at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Si Y'us Ma'ase.

Lisa Cipollone
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Office of Senator benito pangolinan
(671) 473-4236
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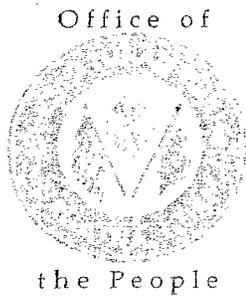
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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Ray Caseres
Application Review Committee
Bureau of Statistics & Plans
Adelup, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Caseres,

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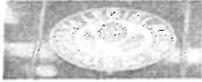
Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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mailto: guamlegislature.org



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Hafa Adai Ms. Lee,

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Lisa Cipollone
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Office of Senator Budai B. Banzel
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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Ms. Consuelo Lee
Application Review Committee
Department of Public Works
Tumon, Guam

Re: Public Hearing Notice

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Senator



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Ray Calvo

ray.calvo@epa.guam.gov

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from Lisa Cipollone cipo@guamlegislature.org to Ray Calvo <ray.calvo@epa.guam.gov> date Fri, Jul 1, 2011 at 4:27 PM subject Public Hearing mailed by guamlegislature.org

Hafa Adai Mr. Calvo,

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Si Yu'os Ma'ase.

Lisa Cipollone Chief of Staff Office of Senator Benito Panggolinan (571) 473-4236 cipo@guamlegislature.org

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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. Raymond Calvo
Application Review Committee
Guam Environmental Protection Agency
Tiyan, Guam

Re: Public Hearing Notice

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Carlos Untalan
Acting Director
Department of Land Management
590 South Marine Corps Drive
Tamuning Guam, 96913

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Department of Land Management
Time: 9:53 AM Int: SC

Re: Public Hearing
Monday, July 11, 2011

Hafa Adai Mr. Untalan,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land will be conducting a public hearing beginning at 8:30am and 2:00pm on **Monday, July 11, 2011** at the Guam Legislature's Public Hearing Room. Please note below the time allotted for bills we are requesting you to submit testimony. The following bills are on the agenda:

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Bill No. 243-31 (COR): An Act to rezone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

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

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

Website: <http://senbenp.com>

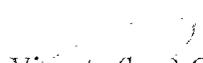
Letter to Carlos Untalan
July 1, 2011
Page 2

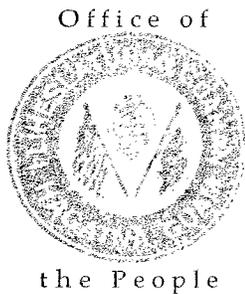
3:30pm-4:00pm – Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

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Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Senator

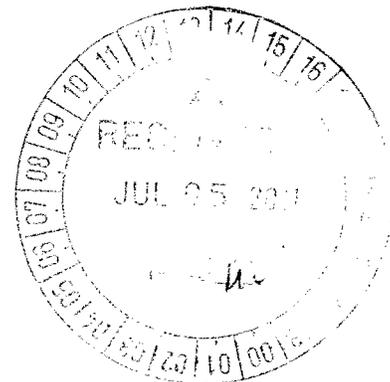


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Senator Vicente (ben) Cabrera Pangelinan (D)

July 1, 2011

Mr. John P. Camacho
Director
Department of Revenue & Taxation
P.O. Box 23607
Barrigada, Guam
96921



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

Håfa Adai Mr. Camacho,

Vice Chairman
Committee on Education

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Committee on Rules,
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8:30 am

Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

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

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Member
Committee on the Guam
Military Buildup and
Homeland Security

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

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Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §59103 and §59110 of this Chapter.

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

2:00pm-2:30pm -Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm -Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

3:00pm-3:30pm – Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm -Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

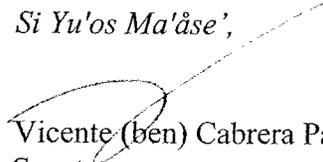
5:30pm-6:30pm –Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §26203, Chapter 26, Title 11 Guam Code Annotated.

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Testimonies can delivered to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net prior to the public hearing.

For copies of the bill, log on to: <http://guamlegislature.com> or www.senbenp.com.

Si Yu'os Ma'åse',



Vicente (ben) Cabrera Pangelinan
Senator

2011 JUN 16 PM 4:16 GDM

**MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2001 (FIRST) REGULAR SESSION**

Bill No. 243-31 (COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO RE-ZONE LOT 6, BLOCK 2, TRACK 148 IN THE
MUNICIPALITY OF BARRIGADA FROM "A" TO "M-1"
LIGHT INDUSTRIAL

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

2 **Section 1.** Legislative Findings. *I Liheslaturan Guåhan* finds that a
3 conditional use permit was approved pursuant to a Notice of Action dated
4 August 1993 under Application No. 92-082 for Lot 6, Block 2, Tract 148,
5 Barrigada allowing a retail-wholesale outlet with accessory storage facilities.
6 *I Liheslaturan Guåhan* finds that said lot should be properly zoned.

7 **Section 2.** Lot 6, Block 2, Track 148 in the Municipality of Barrigada
8 is rezoned from "A" to "M-1" Light Industrial.