



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

January 23, 2012

**MEMORANDUM**

**To:** Patricia C. Santos  
*Clerk of the Legislature*

**From:** Rory J. Respicio 

**Subject:** Supplement to Committee Report - Bill No. 215

*Hafa Adai!*

Transmitted herewith is a memo from Senator vicente (ben) c. pangelinan, Chairperson, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land, forwarding the corrected Committee Report digest for Bill No. 215.

Please include this memo and the attachment as a "Supplement" to the Committee Report on Bill No. 215-31 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

*Si Yu'os ma'åse'!*

cc: Senator vicente c. pangelinan

2012 JAN 24 PM 2:20





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## Supplement to the Committee Report on 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 "M1" LIGHT  
INDUSTRIAL ZONE."**

\*NOTE: The original Committee Report on  
Bill No. 215-31 (COR)  
was filed on August 9, 2011.



Office of

the People

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 23 2012

Memorandum

To: Senator Rory Respicio  
Chairman  
Committee on Rules

From: Senator Vicente (Ben) Cabrera Pangelinan

Re: Appearing before the Committee

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

Please find attached copy of the corrected Committee Report digest for Bill 215-31 (COR).

I hereby request that the attached copy be supplemented for the original committee report digest.

*Si Yu'os Ma'ase*

RECEIVED  
11:23am 1/23/12  
Mary Tharamilla



# I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

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.

### 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 V. Anthony Ada, Member  
Senator Chris Duneas, Member  
Senator Adolpho Palacios  
Senator Ailine A. Yamashita, Ph.D  
Senator Sam Mabini, Ph.D

#### (b) Appearing before the Committee

John Camacho

#### (c) Written Testimonies Submitted

Carlos Untalan, Department of Land Management  
Thomas Cruz, Guam Waterworks Authority

## II. COMMITTEE PROCEEDINGS

**Chairman Pangelinan:** 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 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. 215-31, it was sent to the Governor, Lt. Governor, Office of the Attorney General, BBMR, Department of Land Management, GPA, Barrigada Mayor, 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 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

**(a) Bill Sponsor Summary**

None

**(b) Testimony**

**1. Mr. John Camacho**

**Mr. Camacho:** Buenas Dias primo Ben, Senadot and Senadora's. It is a beautiful day. I am testifying in favor of this bill and I read with interest the comments made by Department of Land Management (DLM). I sympathize with the previous testimony and the reason why we go through this redress is because of the long arduous and expensive process of rezoning through the actual government agencies. I have been part and partial to the rezoning issues in the past and that is why we are coming here today as we are seeking maybe a little more favorable vehicle or road to recovery. If you notice that tri-intersection in Barrigada, this property has been inversely and adversely affected by that construction for the last two years. I take umbrage to the comment that about the public necessity and convenience on the second paragraph that this property is currently vacant. I was born and raised on that property, there is a house there the air

condition is running, the water is running, I just can't find a tenant for the property because there is heavy equipment, construction, there is a trench in front of the property that I can't access my parent's property. It's currently split zone property.

The front of the property is Commercial the back is R-1. What kind of zoning is that? What can I do to the property? I would like to open my business there put my office there, I've been waiting, I can't. Who is going to patronize me, if they are not looking for me? I can't just pull the average Joe out of the street to come over, even to open a store or even my office. We thought the highest and best use of this property would be to basically cut to the chase and get a uniformed zone rather than this split zone.

The reason why M-1 is because we are in the construction business and I would like to use the back for storage. If you take a look at the last page, the actual over view of the property and you look at Circle 76 right here on the corner and you look south of it, there is a huge hole and that is the sink hole, the flood control, for Barrigada. Many years ago my father fought it in court and lost, of course, on the eminent domain condemnation of property around the area.

Now, on the back portion of the property there is a huge erosion that I pointed out to Public Works many years ago along with Parsons. I was showing them the actual issue of the storm drain system and also the erosion on our property, did they address the issue? Hell no. So, I take objection into this Carlos Untalan's writings with objecting from C to M-1. If I make this commercial and put a McDonalds there, is that going to impede traffic? Of course. If I made it a construction yard and my office and I saw 10 clients or customers a day, maybe that's a better deal. You know, I had some tenants living there so the house is perfectly good. But they ran away because of the traffic and we always had to fight with the construction company to keep it open and I got pictures, for weeks at a time, where they cut through that trench and keep doing what they were doing. That's why I am appealing to you guys today to see if we can make things right.

Si yu'os ma'ase.

### **Panel Comments and Questions**

**Chariman Pangelinan:** For those of us from Barrigada, is that your mom's house?

**Mr. Camacho:** Yes.

**Senator Yamashita:** Before we start, I did ask John why he didn't go to GLUC, and as I said I will be asking everyone 'why', so I appreciate your openness and honesty. I wish you the best, you have my support.

**Senator Duenas:** Morning Primo. I'm just curious, C to M-1 what do you see as the immediate potential from this movement?

**Mr. Camacho:** As I mentioned before, we are in the construction business, we are precluded for using it as a laydown yard for storage and stuff like that. This comment here where M-1

normally generates, on page 2 of 3, “industrial uses or activities permitted are more likely to be objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration...” How about the traffic noise? It is notorious, as we all know, the traffic pattern in that area is atrocious since DPW did not act/react and use some of that frontage roads that are available by the post office and down by this house. So, we have to be stuck in traffic for 10-15 minutes or you make your own road. For comments like these to be done, these guys should be shot. They are not pragmatic and they are not in tune to reality. And that’s how people come to a vehicle seeking redress here because of it and then go under attack saying you should not be doing this. Well, they should be doing their jobs or replace them with people that know. Because they don’t know. For them to have comments like, “it is vacant”, lanya it shows that there is some structure here. What is that? Maybe it’s a ranch and maybe a pigpen, maybe it’s a concrete house. Yeah, it’s vacant right now but the lot is not vacant.

**Senator Duenas:** I tend to agree with you. In all fairness normally there is a site visit when they are thoroughly done through the GLUC process so I understand your passion and your situation and that is why I wanted to get a greater understanding outside of the potential for “C” because “C” is a liberal zone. I understand especially outside future prospects in that area. Certainly this happened with Layon, as well, as there were lots in front that were needed for laydown storage going in and so I certainly was able to do that when I was at Land Management so I understand your position. But by and large they make the right call. They may not have made the right call here, but we are all going to work together. I don’t think it is a problem for us to do this, just a little more parameters and understanding. Thank you for your presentation.

**Chairman Pangelinan:** Just for the record, Mr. Camacho is referring to the submitted testimony by the Department of Land Management on this request for rezoning. They recommended against it, I believe their recommendation was not to approve. Thank you very much, Si yu’os ma’ase and the panel is not dismissed.

### III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 215-31 (COR), As Introduced, by the committee with the recommendation To Report Out Only.