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ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, September 10, 2015
1:40 p.m. to 4:50 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, September 10, 2015

Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. Lawrence Rivera, Chairman

Mr. John Arroyo, Vice Chairman

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Ms. Conchita Bathan, Commissioner

Mr. Victor Cruz, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

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

Date of Meeting:	Thursday, Sept. 10, 2015
Time of Meeting:	1:40pm

	GLUC		GSPC
X	Regular		Regular
X	Special		Special
✓	Quorum		Quorum
	Non-Quorum		Non-Quorum

COMMISSION MEMBERS	SIGNATURE
Lawrence S. Rivera, Chairman	
John Z. Arroyo, Vice Chairman	
Conchita D. Bathan, Commissioner	
Beatrice P. Limtiaco, Commissioner	
Victor F. Cruz, Commissioner	
Tae S. Oh, Commissioner	
Vacant, Commissioner	

Michael J.B. Borja, Executive Secretary	
Kristan K. Finney, Legal Counsel	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
Celine Cruz, Planner IV	PRESENT CG
Jeff Baker, Planner II	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT: 4:50pm

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

X	GLUC	X	Regular	Date:	Thursday, September 10, 2015
☐	GSPC	☐	Special	Time:	1:40 pm CB
✓	Quorum	☐	No Quorum	Adjournment:	4:50 pm CB

Print Name	Applicant or Representative	Telephone No.
Thomas Craig		888-0906
Jeannie Craig		686-2144
Jolyscia Crisostomo		(671) 689-2810
Roland Guiambao		777-0025
Alice Quichocho		686-2808
Bo Quichocho		689-2807
Jose Untalan	TRI, Inc.	486-5413
Tessie Eckert		789-2280
Clara Yimimyad		488-3510
Gordon Guerrero		482-2906
Briane Romo		989-2485
Reyz Romo		989-2485
James Bendo		777-7759
C. MURPHY		4887371
ERNIE [illegible]		797-1702
FRANK CASTRO		687-2746
JOE CAMACHO		777-4985
ELOY ALCON		788-2269
Allen [illegible]		686-[illegible]

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

X	GLUC		Regular	Date:	Thursday, September 10, 2015
	GSPC		Special	Time:	1:40 pm 8
✓	Quorum		No Quorum	Adjournment:	4:50 pm 8

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE

Print Name	Applicant or Representative	Telephone No.
Don Eckert	Applicant	789-2280
Manny Quidado	Member	645-2408
Richard Sare		
Ernie Baldeso		797-1702
Richard Untalan	Rep	6353094/5
Jay Kim		483-1004

Guam Land Use Commission Regular Meeting Minutes
Department of Land Management Conference Room
Thursday, September 10, 2015 • 1:40 p.m. to 4:50 p.m.

I. Notation of Attendance

Chairman Rivera called the regular meeting of the Guam Land Use Commission for Thursday, September 10, 2015 to order at 1:40 p.m., noting a quorum.

Present were: Chairman Lawrence Rivera, Vice Chairman John Arroyo, Commissioners Tricee Limtiaco, Tae Oh, Conchita Bathan and Victor Cruz, Executive Secretary Michael Borja, Legal Counsel Kristen Finney, Chief Planner Marvin Aguilar, Case Planner Celine Cruz and Recording Secretary Cristina Gutierrez.

Chairman Rivera noted that two members of the Commission were running late, but will be at today's meeting [Commissioners Bathan and Cruz].

II. Approval of Minutes

Chairman Rivera next will be the approval of our Minutes which is the GLUC regular meeting of Thursday, August 13, 2015. Commissioners did you have the chance to review the minutes?

Commissioner Limtiaco yes; Mr. Chair, I move to approve the Minutes from the regular meeting held August 13, 2015 subject to corrections to be submitted to our Recording Secretary by close of business day today.

Chairman Rivera motion for approval by Commissioner Limtiaco; any second?

Commissioner Oh I second.

Chairman Rivera any discussion?

Vice Chairman Arroyo yes; Cristina, I can't remember what page of the minutes but it was the one hearing that Commissioner Limtiaco voted against. The mistake in your bracket comment, I think the vote was 4 to 1, but in your bracket comment you indicated 5 to 0.

Chairman Rivera I would like to acknowledge the presence of Commissioner Bathan. We just started; we're doing the approval of our Minutes of our regular meeting of Thursday, August 13 and there's a motion for the approval by Commissioner Limtiaco. Any second?

Commissioner Oh I already seconded.

Chairman Rivera I'm sorry; seconded by Commissioner Oh. No discussion. All in favor of the motion for approval say "aye" **[Chairman Rivera, Vice Chair Arroyo, Commissioners Limtiaco, Oh and Bathan]**; those say "no."

The minutes are approved subject to what the Vice has indicated.

[Motion passed; 5 ayes, 0 nay]

III. Old or Unfinished Business

Chairman Rivera going into our next item, item number III Old or Unfinished Business. Is there any old or unfinished Marv?

Marvin Aguilar (Chief Planner) none.

IV. New Business

Conditional Use

A. The Applicant, Guahan Baptist Church represented by Donald J. Eckert; request for a conditional use permit to allow for the proposed construction/operation of a temporary steel building for the Guahan Baptist Church, on Lot 2-4NEW-R6, Block 7, Tract 207, in the Municipality of Talofofo, in an "R1" (Single Family Dwelling) zone, under Application No. 2015-05. Case Planner: Celine Cruz

Chairman Rivera guys, you're up.

Celine Cruz summarizes staff report to include facts, purpose, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context of the staff report, please refer to Attachment A.]

[Attachment A – Staff Report dated September 3, 2015]

Chairman Rivera (recognizes the arrival of Commissioner Cruz) notes the receipt of exhibits submitted for this application and summarizes the four documents received [for full content/context of the Exhibits 1, 2, 3 and 4 please see attached exhibits]

[Exhibit 1 – Talofofo MPC Resolution 15-01; Exhibit 2 – Joe John Mantanona dated 9/10/2015; Exhibit 3 – Roland Quiambao dated 9/08/2015; and, Exhibit 4 – Revised Site map]

Any questions for staff?

Commissioner Bathan I have a question. The application before us is for a conditional use for the construction of a new temporary steel building for the Baptist Church; and it says temporary steel building, and I know they have a plan for the permanent structure later. So my question is if in case this application for a temporary steel building is approved will they be coming back again for another conditional use application for the permanent structure?

Celine Cruz (Case Planner) the way the site plan indicates they do have an area designated as the future/permanent on the site plan. If their plans stay with the current site plan, they do not have to come back. But the only thing we're going to address at that point is the additional parking, the number of seats all those permitting issues. But, if they alter the building the building in any way … they have identified some setbacks in …. but any new structures that are not included within this site plan they would have to come back.

Marvin Aguilar (Chief Planner) and basically ma'am because it's a conditional use permit it is site specific. And the way we have to (inaudible) if it's any type of expansion or change that's going to significantly change out what they discussed today or what they propose to do today, then they definitely would have to go through Guam Land Use Commission. Otherwise, if there's a little tweaking because of topography or the …. coming through a deal with a better type structure or steel structure they can go ahead and proceed forward; as it's been the Office of Chief Planner's approval to have discretion provided that infrastructure or (inaudible).

Chairman Rivera and that's part of your recommendation (Marv) that should you have any changes to the original site plan or any other (inaudible/excessive noise) they should come back to you and basically inform you. **[Chief Planner Aguilar responds "yes sir."]**

Commissioner Limtiaco I understand where Commissioner Bathan's coming from. The description of this proposed conditional use is very mis-leading. It's sounds like … it's sounds like the applicant only wants to erect a temporary steel building and phase II with a permanent building is not included.

Commissioner Bathan it says there in their application but it's not really described. What they're describing right now is their temporary structure.

Commissioner Limtiaco Celine, when you had the public hearing down at Talofofo was the permanent … were the plans for the permanent church building was that brought up?

Celine Cruz no it wasn't; and actually even the fact that the future permanent church is included is our recommendation to the applicant just so that if they do have plans beyond this temporary steel building that there is this acknowledgement of if the church grows we have plans to grow with our church, and so we said put it in there. If you make any adjustments we're going to have to come back to the table; but for now, let's show that there is … I think very clearly we wanted to show that there was enough land mass to support growth and so they did include that future structure as a recommendation of Planning staff.

Commissioner Bathan I guess my next question is was the permanent ... was the demand for the permanent structure considered during the ARC hearing?

Celine Cruz no it wasn't.

Chairman Rivera and I think what the Commissioner is trying to say is we're approving the temporary building 20 x 60 at this point. The proposed expansion building will be in the future should they intent (Sic) to do that, but they should come back because there's changes in the plans because there's more parking and things like that.

Commissioner Bathan unless the ARC had considered those during their discussion then I guess they covered the permanent part of the structure.

Marvin Aguilar well in a sense what the GLUC is assessing right now is the capacity of 63 members of this church. We do expect it to expand that's pretty much the business of these types of uses. It's basically making sure that if it is going to expand or it is going to grow that it grows properly, and that's why we put in that last condition basically to make sure that (like Celine said) from the information they gave us we want to make sure that the land mass was enough. There may be a threshold that they can expand any further and that is something we need to recognize.

Chairman Rivera we'll get back to you after we listen then we'll get back to you. On the public hearing was the surrounding neighbors' property were they invited or were they there during the public hearing were they ... it just indicates that there were a few people.

Celine Cruz all property owners within 500-feet were notified by certified mail.

Chairman Rivera the Mayor's support which we have. I just want to make sure that the surrounding neighbors that was supposed to be affected by this new proposed building are aware of the project. Any other questions? [None]

We'll get back to you staff. Sir, go ahead please come and introduce yourself and go ahead and do your presentation.

Don Eckert (Pastor of the Guahan Baptist Church with Manny Quichocho, Project Manager). I've been a resident of Guam since 1978 and married Tessie Paulino Quiambao and I've been living down in Ipan since that time. And in 1998 we had Typhoon Paka and it was destructive to our house, destroyed our house. *God* used that as a time to call me into ministry; I'm kind of a late bloomer as far as Pastors go, but I was able to be ordained as a Baptist Minister and we started our church. I was ordained in 2011 and then started the church out of our house and it's been slow growth but it is growing and so that's why my wife's parents has given us a lease, a great lease on a piece of property in case it does grow. I'm 57, I don't know how much growth there's gonna be going on down there; but that's why we have the site plan the way it is. We have good relationships with our neighbors; many of them are family, my wife's

family the Paulino clan is down there. Our neighbor right across the street, a Korean gentleman who owns the Ipan Village Mart he's been encouraging us. So, we've been involved in some public things, public service things; we painted a bus stop, and we're involved with Chief Taitague (our Mayor) who's been a big help to us and we believe we're filling a need in the village in Ipan and in Talofofo. There's many spiritual needs and we're not looking to build a school or anything at this time ... I realize .... I don't know the future, but we're just a small church. We're a Baptist church in the south. So, I mean you gotta put that in context right there. So, that's kind of where we're at. We feel that we're filling a niche that's needed with the Guam situation and we think we're doing, to the best of our ability. We're a spiritual organization in the sense it's a church and that's what we are focused on is this church. And we want to bring the good news to help raise up Christ (inaudible) families. That's our mission, that's our goal and that's our only goal. And so we have had good experience here; Celine's been a big, big help to us. We just want to be good neighbors. Our Mayor calls on me from time to time to help out on certain things, and I am more than willing. That's what we're all about, we want to do that. So, that's ... I've asked Manny our project manager to come because I'm not too good with a hammer and nails. He's an electrical engineer and much construction knowledge so ... I just don't want to say I don't know that's why ....

Manny Quichocho it's a very simple project. It's not really a big project for us to do, but we're going to do it by ourselves. It's going to be a self-performed construction project. We're going to have people in the ministry that helps with us (Sic).

A little background. (Undecipherable) Bank of Guam in 2011 we got plugged in with Don and Tessie and we've been with the church for four years and we've seen it grow so much in the past four years and we're excited about the plans in the future. We just really, really would like your support to get this project pushed through. It's been a long-time coming for us. Thank you.

Don Eckert I do want to mention one thing is the specifics regarding the building have to do with our philosophy on money; we don't want to get into big time debt. As I mentioned, I am 57 (years old) I'm thinking for the future and when it was recommended that we have another building that makes good sense to me. All the proposed conditions that you have are very reasonable. There's nothing unreasonable on what you guys have put before us. But, we do want to go with that steel building because it's a good stepping stone, if needed. Why get into debt for ... that's our philosophy on that.

Manny Quichocho do you have any questions regarding the project?

Vice Chair Arroyo you mentioned that the church is growing fast. At what point in time, in your growth, do you expect you'll need to start construction on the larger facility, the proposed facility?

Don Eckert I think that the building we're proposing will hold maybe 125 to 150 people. And so that would be three times what we're holding in our auditorium which is ... our auditorium is my garage which is enclosed, has air-con though. So, that's three times so as far as growth a

projection, you know, we have no idea, but if it would I'm thinking about five years or more would be … I mean just as we've seen it. That's a guess. Honestly, that's the best I have.

Vice Chair Arroyo once you get the permanent structure up what's your plan for this temporary structure?

Don Eckert as far as the temporary structure itself, as my wife says, you can never have enough storage. We go all out at Christmas time as far as decorating. We have a lot of stuff that we're just kinda putting in our house and in our yard and it would be kind of nice if we had a place that we could put storage stuff. But as far as … honestly that's down the road. I don't want to say we're not planning, but it's down the road … that is down the road for us.

Chairman Rivera I just want to recognize the arrival of our Legal Counsel, Kristen Finney she's present. We just started with the first applicant.

I'm looking at your site plan here. It appears that the seating arrangements can only accommodate 54 people.

Don Eckert that's at our widest … that's at our dream level. What we have now … we have at least three options in there. So, that would be really wonderful if we could have that kind of space. Right now we're kinda cramped in, but I'm willing to cramp them in if we have to.

Chairman Rivera I guess the question I asked is is the building, the temporary building is sufficient for your present operation now should you ….

Don Eckert it is for what we need.

Commissioner Oh I have one question. You mentioned that the construction of this steel building will be constructed by congregation members?

Don Eckert volunteers basically; open it up to volunteers.

Manny Quichocho we have people that we know that are not in the congregation that are already willing to …. and some of them are contractors; Sam was one of the guys.

Don Eckert Sam Quiel he's a member at Harvest Baptist Church and he's given us unconditional support. Harvest is real close with us and Pastor (last name inaudible) has told us that we can tap into any of the help that's needed there; they're a big supporter of us. We feel that … we won't take on ourselves if we couldn't do it. It's a … we just have the people … we have knowledgeable people in construction that can help us.
Commissioner Oh it's just my concern because when you're talking about congregation some of them might be unskilled. There has to be a safe and sound structure at the end of the construction process that's my only concern. You guys say you have manpower who are skilled?

Manny Quichocho we have the resources and we have the network to help us.

Commissioner Bathan meaning that somebody like a professional will be supervising the work?

Don Eckert Sam Quiel is ....he's my go to guy on the structure. He may not be there all the time, but he has the guys that can help. And then Harvest, as I mentioned, they're a big help. Right now we have people that are keeping up the site; if you've ever driven down there it's in real good shape.

Chairman Rivera the concern is what the Commissioners feel is ... you look at the position statement from the Department of Public Works and it states that your wind velocity must sustain 170 mph winds, it must be in conformance to the latest building code requirements; you're still required to erect your building based on (inaudible due to excess noise) and professional and not just a handful of parishioners that would build this and ....we're not saying you guys can't do it but we feel that you should get someone that will assist with some sort of expertise in construction; maybe a project manager or a construction manager of some sort.

Manny Quichocho I think at the last meeting we did discuss the wind requirements of the structure and I think I had a side-bar with one of the members and he even recommended some tie-down techniques that we can use on the structure. So, we're going to take every necessary precaution, the building is going to be great when we're done with it. We have (undecipherable) that we can to be able to do this project. It's not a difficult job for us. It's a low budget job for us and so we're gonna have to do what we can with what we have.

Chairman Rivera we saw the position statement from the regulatory agencies; the Bureau of Planning indicates that your entrance/exit egress/ingress is Paulino Street. You have a nice ...on the Route 4 you have a nice landscaping area. So those are the things we want to make sure to consider the position statements that the government has ask whether you can consider those. Asking you to kinda follow the lead. Of course you have to go through your permitting process where it would be more stringent. But we need to get through this hurdle first, and your...we understand where you're coming from. We just want to make sure that your structure is sound and safe.

Manny Quichocho and in regards to the egress/ingress we did talk about using brick pavers to possibly beautify that area, the entrance into the church. We are taking into consideration all the recommendations even with regards to the septic tank and leaching field.

Chairman Rivera you know there's a leaching field requirement here based on the number of people that you're going to have. The other question I have is your operation you're going to have church services once a week; how frequent are you going to be using your facility?

Don Eckert right now what we have is a Sunday morning and a Sunday night service. Those are the only two that we have. If we do anything extra there's a possibility .... we have a

Thursday, we call it a mid-week prayer service; but at this point we go to houses, we go to people's houses. It might be good to do it on Thursday at the church … it's not going to be an everyday at Ipan thing.

Chairman Rivera so your usage for your waste water, water will not be like a normal household (undecipherable).

Manny Quichocho it's very minimal.

Commissioner Cruz hafa adai neighbor! I'm far away from them that's why I was never notified. As far as the questions that people are asking with your design and everything. My first (undecipherable) I thought buildings like this would always fall under the category almost like commercial building because it's the same type of building is being used other than for church and everything. And so my question to you is who would do your …where is your structural engineers and everything to put this plan together to be able to get a permit?

Manny Quichocho Vic, the building is pre-manufactured so there are already design parameters that come with the building when we purchase the package. We're going to include that as part of our permit package. We're not the first steel building on the island. I know there are ways we can get this pushed through with a permit.

Commissioner Cruz but you'll be required to … the building is designed elsewhere. Engineering does not (distorted audio…unable to decipher) you should be able to find a structural engineer not so much the civil engineer and then I don't know if (undecipherable due to distorted audio) church or religious organization … as a self-construction. I don't know if it's ever been done so most likely you're going to have to get yourself a licensed contractor. Not only a licensed contractor but also a licensed engineer. So the questions that everybody's asking is how sound would the building be as after your completion.

Don Eckert as I mentioned about Sam Quiel and …. Very helpful and they will continue to be so. As we said, we will follow your recommendations.

Commissioner Oh I don't know who Sam Quiel is. Can you give a little bit of background?

Don Eckert he's a general contractor.

Commissioner Bathan he's not a professional engineer?

Manny Quichocho I don't know if he is a PE; but we have access to professional engineers. Victor, whatever it takes we're going to get it done. We're going to get the design right; we're going to get the guys to stamp it, we're going to give him his check and we're going to ….

Commissioner Cruz on the different domination right... I'm not too certain how the Baptist organization operation on Guam, but there is a Baptist church in the village of Talofofo. Are you working on (audio distortion) or are they going to operate separately?

Don Eckert we're called a fundamental independent Baptist and so they're general Baptist which would be kind of like Catholic and Anglo Catholic it's similar but ... we know some of the people that go there but I don't think there's any .....

Commissioner Limtiaco Mr. Eckert and Mr. Quichocho, thank you for coming before us yourself. I realize, we realize that the process is very foreign when you first start, and thank you for the kudos to Ms. Aguilar (Cruz) she is a very, very capable and competent planner.

I did read through your responses to the ARC agencies, and of course your response now saying that all the ARC recommendations are reasonable to you. I appreciate the fact that you've gone to speak to your neighbor at the Ipan Mart. I think that that's very important in a village like Talofofo where there is ... it's sleepy. A lot of people want to maintain the feel of the village. So with that, a lot of our Commissioners here have been talking about expansion. And I realize you're a little cautious about planning for an expansion at this point. This is what we do; we are the Guam Land Use Commission, and we plan for the future.

So with that you're asking for a conditional use to erect a temporary steel building and the possibility of expanding in the future. I just wanted to point out what it doesn't include. It doesn't include what you have mentioned before; a daycare or a school or an auditorium or anything independent of the church and the church activities as a core. Just saying this of course to you we have a meeting of the minds and so that's in the official Minutes, and we understand this. Because that is a natural progression it seems for churches; daycare facility and then they start with a Pre-K and then all of a sudden you're a high school. We are here just to make sure that whatever *God* has planned that we're that otherside of that (inaudible due to excessive noise).

But in all seriousness, just make sure that you do check in with our Chief Planner and this department to make sure that we're aware of any changes beyond this, hopefully if this conditional use is approved.

Please be good neighbors and I know that's probably what you preach. Be good neighbors and add to the charm and continuing the charm of Talofofo. And be properly permitted during your building process please.

Chairman Rivera I'm reading this parking requirement where you're asking for (where's this); the applicant is proposing to construct 70 parking stalls including ADA. The applicant site plan says only 29 parking. Is the 29 parking specifically for this new temporary building only? The 70 parking is when you expand your facility.

Don Eckert that's correct.

Chairman Rivera it indicates ... even Public Works goes proposed to construct a 20 x 60 manufactured steel building that will seat a capacity of 100 for adults, mothers and infants. Parking lot is designed for 70 dah, dah, dah (sic). And of course you are asking for 26. I want to echo on Commissioner Limtiaco's concern on any expansion or any plans in the future for your church facility. Our understanding is this is for church services, you know, for you to conduct your services. We have seen churches that has expand (Sic) to services then becomes a pre-kinder, kinder and full pledged high school in a single dwelling home, in a residential home. We want to make sure that when you're planning in the future that anything that is planned that you come back to us to inform us. Just to make sure that if you were to expand for a school for example that you meet the requirement to operate as a school and so on and so forth. We want to work with you as you expand also just to make sure that you are in compliance. I think that's what we want is just to be aware of what's going. Because we've seen it and we've witnessed church turning to full pledge operation. Starts with Sunday services then now becomes Monday, Wednesday. Out of one week it becomes five days and then it affects your neighbors around; parking, things like that. That's why I'm kinda .... we want to make sure that the neighbors that surround is aware of what's happening. The reason why I'm saying this is because you're asking a conditional use for an R-1 which is a residential single dwelling home if it's anything else it would be okay. That's we kinda feel about that. That's my comments.

Commissioner Cruz let me just ask the Pastor and Mr. Manny .... Within the facility within. The Bureau of Planning and DPW had basically said that the best possible for your ingress and your egress is through Paulino Heights. Have you spoken to them you know the number of traffic during those times going in (inaudible due to noise distortion) for the residents in the top? I'm satisfied with the recommendation to have an egress and ingress through Paulino Heights. You have a proposed to expand and if you look at your parking and if you look at the drawing that you put in and where are you going to put the new.....and if it happens in five or ten years down the line....if you're facing the .... the left side and existing ... where you're going to put your leaching field/septic tank is not more toward the front on the right side. Am I correct?

Manny Quichocho towards the hill.

Commissioner Cruz the hill? Okay. With that the egress and ingress still remain because you're going to be basically passing all those parallel with Route 4. Or would you rather have your ingress/egress through Route 4?

Manny Quichocho I think we first considered was to go through Route 4 only because it was more convenient and it would a nice entrance into the church. But for this temporary building, I think because it's not designed to hold 300 to 400 people we don't feel the traffic on Sunday mornings going to church will have a big impact on the existing flow.

[Brief discussion continues on the egress/ingress]

Don Eckert the owner of Ipan Village Mart and I was at that meeting and that was one of the things that was brought up is Ipan is a sleepy village and we want to keep it that way and we do

too. He's been a great neighbor and we're going to be the same way. I don't count cars as they go by on Sunday morning, but there's really not too many cars that go by. All our neighbors are very supportive. I invited a couple to come here but they didn't but they're probably working like all of us. I don't think traffic is going to be an issue.

Chairman Rivera any other questions. If not we'll go ahead and open for public comments. At this time we'll open for public comments. Anyone out there in the public just wanna come up and make some comments, support the project. Particularly if you're landowner around the proposed property.

Is that Quiambao here? Sir, you want to make a comment or something --- just come up and sit down and introduce yourself for the record.

Public Comments

Roland Quiambao and I am a resident of Talofofo actually, not in Ipan, but my family is in Ipan; the Paulinos of course, but I am Quiambao and we've been there for a long time. I'm actually third generation from Ramon Torres Paulino. I run Paulino's Store in Talofofo. I wrote the email about...it goes back when you're ... as anybody is ... if you're a resident in your place and you see certain needs; you look at things that go on in your village and I point to the crimes, the dangers and stuff like that that seems to be happening too often in our places. I always see that...having that .... with a church you know you have that relationship with *God*, and I've always believed .... it comes ... that's where it starts. If we take care of our self with *God* I don't know who's not with *God* or what for *God,* but we are, I am and I know my family is. I know when we start from there you know, I affect other peoples life. From there (you know) positively influencing one another (you know) to become with unity to take care of each other you know to look forward, keep other accountable. (SIC)

Chairman Rivera is your property anywhere around this ....

Roland Quiambao that was ... yes, that property is down towards the bottom. Our family's property, my mom and dad like they said leased this out to Guam Baptist Church. So, that is my mom and dad's property. They decided to, with their own free will, they said why don't we...we'll lease you this property (you know) to Guam Baptist Church. From there we agreed on that and we made our ... Guam Baptist Church makes their payments. But yes, our family we're all lined up on the top.

Chairman Rivera I'm looking at the back right here and there are six properties here. These are the property owners .....

Roland Quiambao yes, that's where my sister's at. My sister is here; Tessie, she is the wife of the Pastor.

Chairman Rivera because you guys are the more affected property owners here. We just don't ... we want to make sure ... (you know) we want to make sure the property owners that's

affected next to this property is aware and knows what's going on and be expecting this. We have this saying in Guam they build this building and then all of sudden nobody told us it just popped up and they start complaining and then it comes to us. I like to do process with the public hearing and glad that you guys are here.

Any other comments?

Richard Sana I was asked by Manny to say a few words. I'm speaking on behalf of the Talofofo Baptist Church the church that you mentioned. I am also a member of the Talofofo Baptist Church and I am also an ordained Minister since 2008. We are not like the Anglican or anything close to the Catholic Church, we're a full gospel church. Just like the (undecipherable) church okay. There is no conflict between us and them. We've been around since a long time. These are the Talofofo Baptist Church is a byproduct of the first Baptist converts in Guam who was the congregation's church and became general Baptist; but we removed the word general we are now just a Baptist church in the municipality of Talofofo, and we are in full support of what the...for the Guahan ... their endeavors to build a church for their congregation.

Gordon Guerrero hafa adai....as you can see I am with 76 Circle K, I am the Operations Manager there. The reason why I'm here is I am a member of the Guahan Baptist Church, and I wanted to share that Guahan has affected many lives since we've come into full existence four years ago. I serve in the Guam Army National Guard and the whole time I was in deployment Guahan was praying for our men. It meant the world to us out there. We lost a couple, but praise *God* a majority of us came home safely. That's a kind of testimony this church has. I've also been ... born and raised here on Guam. I remember my fondest memories being part of the church family growing up. Times have changed and things are little different; but one of the things I cherish about Guahan is it's a small church that reaches into the community, touches *God*, hearts and lives of the people in the community. One of the greatest opportunities is to reach the children in the community and we have been doing that for the past four years. I remember having church functions and activities growing up in the village of Maina. And I kind of miss that. But since I've been with Pastor Don and the church family down in Ipan it brings back to mind that type of small community, but more importantly the fact that we are giving hope to the villagers and the youngsters in that village. We are not just a religious entity there we're a house of *God* that provides hope to the village. And with that all I'm asking is for your support, and as Pastor shared, Manny shared, we'll do everything within Code, within regulations because we want to not just honor the (you know) government community but do as *God* directs us. We're in obedience to the local laws as well. I came from Temple Baptist Church and I am currently with Guahan. At Temple, I'm not sure if you noticed, but that was church that was built self-construction also by the members of the church. Yes, it did evolve from a church to a nursery to a school but (you know) all within the parameters (you know) of what we were allowed. And we certainly intend to do the same with Guahan if that's the way the Lord leads. We are not one to do anything under handedly that's far from our desire. Everything we do we want to glorify the Lord. So, that's our intent.

Chairman Rivera thank you sir well said. You should be part of the team that came up earlier. Any other comments out there before we close public comments? If not, public comments is closed. Thank you so much.

Commissioners, any questions for .... Gentlemen you can come up now to the table.

[Commission recesses at 2:40 p.m. and reconvenes at 2:45 p.m.]

Chairman Rivera okay, we're back from our recess. Okay Commissioners, are we ready to move forward? Do we have a motion.

Commissioner Limtiaco Mr. Chair, I move to approve Application No. 2015-05 for the conditional use application to allow construction and church related operations on a proposed new temporary steel building on Lot 2-4NEW-R6, Block 7, Tract 207 in Ipan/Talofofo in an R-1 zone; with conditions. These conditions are, most of these conditions are in the Chief Planner's staff report.

First recommendation is that the applicant adheres to the ARC conditions and requirements as stipulated in each official position statement;

Condition 2 – that if the conditional use permit is granted the applicant is required to read, understand and comply with the time limitation noted on the first page and the acknowledgement agreement on the last page (etc);

Condition 3 – that the applicant shall not submit any request for a building or grading permit should the time limitation as specified in Executive Order 96-26 Section 5 elapse.

Condition 4 – that the egress/ingress the applicant shall establish access to the property from Paulino Heights Road in coordination with Public Works;

Condition 5 – changes to the approved site plan as a result of the permitting process be reflected in an as-built survey map and be submitted to our Chief Planner prior to the issuance of an occupancy permit.

Condition 6 – any changes to the approved site development plan consisting of the temporary metal structure will require re-submittal to the Commission for review and approval.

Condition 7 – that the applicant shall submit a status report to the GLUC no later than five (5) years from the date of the Notice of Action **[Amended: 5 years from the date of recordation of the Notice of Action]**.

Condition 8 – daycares, schools and/or other similar institutions independent of the core activities of this church requires additional approval of the GLUC.

Commissioner Cruz I second.

Chairman Rivera motion by Commissioner Limtiaco as listed on the conditions...the approval with conditions, second by Commissioner Cruz. Any discussion before we vote? [None noted]

All in favor of the motion say "aye" **[Chairman Rivera, Vice Chair Arroyo, Commissioners Limtiaco, Cruz, Bathan and Oh]**, all oppose say "nay."

[Motion to approve passes unanimously; 6 years, 0 nay]

Next item on the agenda –

Final Subdivision

B. The Applicant, Eduardo G. Camacho represented by F.C. Benavente, Planners; request for a final subdivision (Paradise Meadows Phase II) consisting of 26 residential lots, 2 rights-of-way lots, 1 lot for ponding basin and 1 lot for open space for mailboxes for a total of 30 lots, on Lot 7128-3-3, Tract 10402 in the Municipality of Yigo, in an "R1" zone (Single Family Dwelling) zone, under Application No. 2013-45C.
Case Planner: Marvin Aguilar

Vice Chair Arroyo before we start I just want to make a .... just indicate that the company that I manage, the Title company that I manage does business continues to do business with the applicant with respect to this project. But, I don't believe that there's anything in the request that's before us today that would conflict, present a conflict of interest to participate. So, I am asking if it's okay whether to participate in this.

Chairman Rivera Commissioners?

Commissioner Limtiaco Vice Chair, you believe that you can discuss this and make a decision without any cloud in your judgment?

Vice Chair Arroyo I believe so, yes.
Chairman Rivera for record the Vice has indicated (you know) that from his business; however, we feel as Commissioners we feel that it's okay. I'm okay.

Commissioner Bathan I don't have any problems.

Commissioner Cruz I don't think it will cloud his judgment so it's okay.

Chairman Rivera go ahead Marv ---

Marvin Aguilar if everybody has my August 31st, 2015 report; this report was prepared by my senior management staff, Planner Mr. Frank Taitano so I'd like to give him credit for this report.

[Mr. Aguilar summarizes staff report to include purpose, facts, staff analysis/discussion, conclusion, recommendation and conditions. For full content/context of the report, please refer to Attachment B.]

[Attachment B – Staff Report dated August 31, 2015]

Chairman Rivera any questions for staff?

Commissioner Limtiaco I do. Mr. Chief Planner, you had mentioned the NOA dated May 22nd, 2014 and I believe a copy of the NOA was included or attached to your staff report. Are you aware if all the conditions that could, that can or couldn't have been met so far have they been met? I'm look specifically looking at whether or not the MOU, 2012 MOU between CLTC, TRI was amended.

Marvin Aguilar at this time ma'am I'm not fully aware of any changes or how advance this MOU and their meeting of the agreement has gone to this date. So, perhaps Mr. Untalan can expound on that.

Commissioner Limtiaco and then speaking of the CLTC; this application is quite unique because there's a synergy between the applicant and CLTC as well as a separate applicant Song Song Village. Do you know whether or not the final subdivision map for the CLTC, the adjacent lot ... do you know if the final subdivision map has been completed?

Marvin Aguilar no ma'am and I know for a fact that it's not. It's actually being ... it's going through the motion of being molded and again perhaps Mr. Untalan or the representative of the CLTC may be able to expand on that. It did go through a zone change and they used the template for the subdivision and it went before the Guam Land Use Commission for that property, the CLTC property which is Tract 10123 is not an R1-zone. Because there are no infrastructures in right now it has to follow a certain size location of full acre. It behooves CLTC to work with the parties at hand to bring that infrastructure in, of course at lower cost to realize the intent of this subdivision. It's actually unique for the CLTC in that it's taking that next step in providing that type of land use to recipients. At this point, it's very .... Innovative and they continue to work together from my understanding.

Commissioner Limtiaco okay, thank you.

Chairman Rivera any other questions for staff? If not we can come back to you. Sir, please come up and introduce your team and go ahead and proceed.

Richard Untalan (introduces Richard Sana – Consultant, Frank Castro – Surveyor, Ernie Baldeviso – Engineer, Joe Camacho – representing the applicant Mr. Eduardo Camacho, Chris Murphy – Realtor, Eloy Alger – Project Inspector, Jay Kim – Base Corporation and Jose Untalan (TRI).

It's been about a year and now going to Phase II. We've already began the infrastructure improvement. In fact we've completed the infrastructure improvement short of that little cul-de-sac there, last, I believe, September or October because now it's being used all the way to Route 1. We opened that road up, road #10 all the way to Marine Drive. We have close to, I think, 80 homes on the ground right now of the 101 homes of Phase II. We're almost done with Phase I will probably be another year or less than year and then we're going to start Phase II as soon as we get final subdivision approval.

I know there's been some mention about the bond, but bonds are usually required if infrastructure improvements are not in, and in this case they are in less five percent for the little cul-de-sac; but, otherwise it's in and we are fully bonded with Moylan's Insurance with our contractor who, if he decides to leave Guam they'll have to step in and complete the infrastructure improvements. Regardless we are fully covered which we want to make sure it's done anyway for our benefit as well as for the benefit of the project.

So, that's where we are, we're ready. It took us a little longer than we expected to be here; but Marvin wanted our crossed "Ts" and dotted "Is" and we did and we did a good job and that's why we're here and we're ready.

Commissioner Limtiaco you had mentioned that the majority of the infrastructure is in. Does that include the infrastructure that's going into the park?

Richard Untalan no, the park is part of stage 4; stage 5, and that's a different infrastructure. And right now it's presently occupied by our contractor that's their field office. So, we'll do that at the end.

Commissioner Cruz how long do you think it will take you to complete the entire project?

Richard Untalan including Phase II by September of next year; one year from now. And then we have other plans for expansion so ....

Commissioner Bathan in the same area?

Richard Untalan trying to; this will not be the last time you'll be seeing me here.

Chairman Rivera how's the traffic light? Is that on?

Richard Untalan no; what we did ... we're not doing a traffic light we're doing a ... we're trying...we're modifying Marine Drive to allow for a two-way, four-way intersection; a left-turn and a right-turn which it currently doesn't have anything. So as I informed Marvin when we discussed this Song Song was working with us on this but they're behind their schedule so we proceeded on our own. We had the drawings prepared, submitted to DPW for their review, they made changes. Mr. Baldeviso right now has finalized has gone before several contractors and

we should break ground at Marine Drive intersection by next month. And, I just happen to have a copy of the drawings. [Proceeds to hand out a copy to the Commission]

[Commissioners review and discuss the handout amongst themselves. Discussion included the lack of a left-turn on Marine Corps Drive coming from the south but can be accomplished coming from the north because of the GAIN and community center; Mr. Untalan explained that it will now be combined.] Commissioners also inquired on the plan to install a traffic signal to which Mr. Untalan responded that it would be up to DPW.

Commissioner Bathan is there still a plan to put a traffic signal on that?

Richard Untalan yeah it's up to DPW. Yeah it requires a warrant study. They have to do all kinds of things and probably approval from the Federal Highway Administration.

Commissioner Cruz I thought it was part of the conditions to have a traffic light.

Commissioner Bathan because of the number of residents in that area.

Commissioner Cruz for future expansion … you're going to have people that are coming out from where you use your temporary road to get in. Once your road is finished this will be coming, they'll be coming out of here.

Richard Untalan they can't turn around. They have to go up to Sarasa, make a U-turn there where Sarasa enters from Marine Drive and come down. And Mr. Baldeviso can certify that DPW, Highway people has reviewed it.

Ernie Baldeviso because will obtain approval from the Highway Division.

Commissioner Cruz so, it's in a review process now?

Ernie Baldeviso it's done; it's final approval.

Commissioner Limtiaco we're looking at drawing C-2; you had (if I'm hearing it correctly) you had said that this approval intersection and I do see that you have a crossing sign on both sides and at Marine Drive. I do see that you have … the plans, a stop sign on the inside of Paradise Meadows side. I don't see a stop sign on ….

Richard Untalan oh I see what you mean; no, it's not a full stop. You're correct, I stand corrected. There are four lanes merging.

Commissioner Bathan it's not a four-way.

Richard Untalan no, it's not a four-way you can't stop at Marine Drive.

[Discussion continues on the egress/ingress into Paradise Meadows]

Commissioner Limtiaco didn't you say you would put a traffic signal here because of the plan....

Richard Untalan that's not within our scope. We never .... we said .... we did say that we would improve Marine Drive anyway so that we can allow traffic in and out of that intersection. But, when I dealt with DPW that's up to them they deal with a lot of traffic issues on Marine Drive. If you want to put a signal light you need permission; you have to go to the Federal Highway and usually require a warrant study to determine the flow traffic there, number of users, and particularly the accidents that occur in that area because the lack of a signal light.

Commissioner Bathan that's right; and because of the number of developments that we have around that area, I think you may need to coordinate with DPW to have a traffic signal at that intersection because of development.

Richard Untalan we did with Paradise Estates; we actually did a warrant study and it was massive with all the people there, ten times more people than this coming out of there. It took DPW several years to accept the warrant study that Federal Highway approved it and so they're going to put one in there. But it took that long. And they were the ones that actually prioritize where on Marine Drive they're going to have traffic signals. We can't tell them we're going to put one in.

Michael Borja Richard, with this design (for your engineer, this question) would this four-way design be appropriate for a quicker installation of the traffic signal system? If it meets the requirements of the ....

Chairman Rivera presently with this (undecipherable) with this traffic light would be accommodating with the subdivision ... what I'm saying is as is here now, you foresee as being professional that it would accommodate ....

Richard Untalan well, the Aga Boulevard at Marine Drive intersection there's over almost 1500 to 2000 homes back there.

Commissioner Cruz which one is this?

Richard Untalan YPaoPao and they don't have a signal light. And in fact they have just a one way turn and (you know) it accommodates them but it's very frustrating they need a signal light there but certainly with that kind of population there. We're talking here 126 homes. Song Song has a right turn. They'll come out because of the easement granted by CLTC to our Route 10, turn left to go north to go to Andersen. And that's about 82 homes they plan. Other than that we have no other homes right now currently planned. We have some plans, but nothing that has been firmed up yet. So, we're talking about a total of 200 homes.

Michael Borja on the road coming out from the subdivision is there ample space there to allow for two lanes coming out so one could be a right turn only and the other one could be for (undecipherable).

Ernie Baldeviso yes.

Michael Borja I only see one lane showing in here that goes in all three directions.

Ernie Baldeviso actually sir the rights-of-way is 60-feet. So there's room there for expansion.

Marvin Aguilar Mr. Baldeviso if I may just for the record again, you did mention it but perhaps maybe you can state it again that your plans have been vetted by the Department of Public Works already.

Ernie Baldeviso yes, it has been reviewed. It has been recommended, and we finalized it with them; with the Highway Division, not Building Permit.

Commissioner Limtiaco so Mr. Untalan, we met on May 22nd, 2014; you had said, and I am quoting the Minutes of May 22nd, 2014. You had said *"we have done the drawings to slightly widen where the intersection is going to be of the 60-feet easement as well as accommodating the community gym across the street and so that's going to a four-way intersection. We have the drawings here and it's now at DPW being reviewed, and we'll probably do it ourselves we are not going to wait for them."*

Clearly you had said a four-way intersection ---

Richard Untalan well, I mis-quote. By 4-way I meant we're going to have a road coming in...directly across from Paradise Meadows entrance and of course Marine Drive; two-way, four-way. That's what I meant.

Commissioner Limtiaco you went on to discuss what you had just said about the warrant study and you had mentioned at the very end; you said what we need to do here is do a warrant study as well; but to do a warrant study we've got to justify the need for a signal light. So that's the next step and we'll probably do it ourselves again.

Richard Untalan warrant study ... I spoke to DPW and they said that's ... I'm not going to spend money on a warrant study if they're not interested. And right now they said that that's low priority in our ranking. They're trying to .... they said they'll do what we think is the greatest need right now. And yes we're not the greatest need right now. Right now there hasn't been any really track record of accident or whatever or number of cars coming in. So, we cannot give DPW anything because we just established the subdivision; so now we only have about forty homes that are actually occupied. With only forty residents they're going to laugh at us and say give us a break (you know). Come back three, four, five years from when you're fully established when you've got cars coming in and out and you have a track record.

Marvin Aguilar and if I may I think I can attest to that. Living in Mangilao we were trying to find out where we can actually put some traffic lights in Mangilao. Apparently Mangilao, MaiMai area or rather the Dairy Road area; if I am not mistaken, we are number (from Route 15)...we are 33rd on their list of improvements. There is an established list.

Commissioner Limtiaco the reason why I bring this up is not to (you know) discuss whether or not there is a need or not for a traffic light there. I want to clarify what the meeting of the minds where in our meeting of 2014 and prior to 2014 about discussing an intersection and a traffic light. So if what we recorded was truly said, and there was a misunderstanding or someone mis-spoke then we need to be really clear. We've been really careful about trying to carefully coordinate this subdivision, the CLTC subdivision and the Song Song subdivision. This is where the Guam Land Use Commission, this is all of a sudden kind of a big deal in Yigo. It's alot of area lot of area and we want to plan it correctly and understand what the future needs would be; and so that's what I recall us discussing with the intersection. Mr. Untalan, I am not trying to put your feet to the fire here. I just want to have a better understanding of what we're going to approve. More importantly what we agreed to in our past meetings.

Richard Untalan well, what I said earlier as this (undecipherable) began, this project; I mean a four-way. I didn't mean four-way stop signs. I didn't say four-way stop signs. Well, I guess maybe you misinterpreted ... my understanding of a four-way is like ... we have four-way entering from four different points and that's what I meant. And I didn't say traffic signal light and traffic signal light, traffic signal light nothing of that sort other than just a four-way. So, I had meant to modify Marine Drive.

Commissioner Limtiaco I don't think I misunderstood what you meant by four-way intersection. If you ask anyone what a four-way intersection people are going to assume people are going to stop in four different directions; and so, I don't think that was a misunderstanding using those general terms. We should have been more specific.

That's what I have to say about this.

Chairman Rivera I'm sorry; my first question was the traffic light. I'm glad you went to DPW and glad you corrected your direction and stuff like that. I guess question the Director has is with format now and in the future should we have a traffic light it will be more accommodating.

Richard Untalan it was designed that way so it could accommodate one.

Commissioner Cruz you're using this (inaudible/distorted due to recording) as Commissioner Limtiaco stated when you were talking from the very beginning and was brought up the traffic issue on Marine Drive. And I distinctly, and I don't know if I misunderstood it but (inaudible due to excessive noise) said that a traffic light would be installed in that area. Whoever that company is that the study if you go through that route it's DPW who .... trying to figure how to come up with the (undecipherable) to do that and everything. I'm willing to understand what

you're trying to say, but .... that DPW or whoever that part of that presentation for this intersection that there would be a traffic light in front of it. Because I do understand what you're trying to say; but if it's going to be part of your condition, I would like to get something from DPW that they say despite the Guam Land Use Commission requiring this subdivision to install a street light (Sic) let them come back to us and say no it's not required. I'm not saying that the expertise is not coming from your side, but the Commissioners here said (undecipherable) there would be a traffic light.

Richard Untalan if you notice I said four-way I didn't say traffic signal light which I assume (inaudible/excessive noise) signal light; I never, again, perhaps like you said, miscommunication on my part because I meant to go in there and modify to allow for a four-way. Right now you can't turn left so that's how I understood it. That's how we approached it. A four-way traffic signal light is ... takes quite a lot of money, it's not a cheap proposition and for a 126 homes it's way beyond our budget. We're not Citibank, the world's largest bank and we don't have that capacity. And even if you combined everyone in that area that's a huge amount ... this alone we're spending maybe $150,000 just for this. Which translates into almost two-hundred per home which we have to eat. That's a lot of money that we have to put on the table. We're willing to do it. I don't know if Song Song is going to assist us. They've been saying that they will they...it's just not committed. So, we're going to have to proceed on our own.

Chairman Rivera anymore questions? [None noted]

Richard Untalan to answer your question Commissioner Limtiaco on the CLTC. What we have done and we've all heard from the very beginning we've done it. We said that we'll do our surveying services for all of 7128 which we have done. We not only have relocated the points we've done a new survey for it. And then they asked us for a topo(graphy) which we also conducted we did a topo. Now, we offered to do the subdivision map for them, but DLM decided that they would do it and this was before Mr. Borja's time. So, they did the subdivision map for them. But just for your information, Mr. Borja and Mr. Benavente of Guam Housing and I have been discussing and talking about the future of 7128. There is a plan that I'm trying to...because we want to be part of that development we have to step back. We can't ... in otherwords we have to disqualify ourselves if we become partners with DLM ahead of time so they're going to do a request for proposal. Mr. Borja already has a plan of action on how he wants to proceed in that area.

Commissioner Limtiaco my question about the MOA was (undecipherable) in our May 22nd, 2014 meeting; and I think that what we need (undecipherable) was the MOU between TRI and CLTC be amended to include all of the lots that TRI would be developing for all their phases. And if memory serves me correct, I do recall that one of the reasons we wanted to do that is because of the park. The park that TRI will be developing (inaudible/excessive noise) has open space is tied into the entire the subdivision not just one phase. And so that's .... these were really carefully discussed and debated details, and we want to make sure that this area is planned and approved with what our meetings of the mind, and by "our" Rich, I mean with GLUC, CLTC even Song Song (inaudible) dismay to hear that Song Song has not come to the

table to participate in this because we asked them to come to the table and to participate. Not only directly with CLTC, but with TRI (inaudible/excessive noise) developer. But we wanted that MOU amended and that was part of the NOA.

Richard Untalan I see what you're saying. I was wondering what you were trying to say and now I understand. What we did was we amended our CCRs to say that all of our future, current, present and future (inaudible/excessive noise) for the park. And of course for the public park there's nothing we could do about that. You want us to go one step further to say CLTC; want to clarify that Phase I and now Phase II and any other phases will be part of this MOU. Yes, now it's come to me you're right.

Commissioner Limtiaco how many homes … what is the estimated number of homes that will be built at the completion of all phases.

Richard Untalan 126.

Commissioner Limtiaco that was for Phase I and II right? Wasn't there ….

Richard Untalan not yet …. We haven't brought to the table anything for Phase III or Phase IV nothing yet. But there's a possibility, but we're still negotiating so nothing yet. I don't want to commit to anything on that not even ….

Commissioner Limtiaco I just wanted a round number because you kind of committed to four and five; you said the park …..

Richard Untalan if we're fortunate the park next to us, bottom, the south of us that could generate about 70 more homes.

Commissioner Limtiaco so that would be Phases III, IV and V **[Mr. Untalan responds "right."]**. So 70 more; so a total of let's say, round number, like 200 max.

Richard Untalan correct.

Commissioner Limtiaco how soon do you think you can contact CLTC to …..

Richard Untalan it's now all coming back to me what you said. You brought this up yourself, I remember now. Now that Mr. Borja is here … yes, I'll present that to the CLTC. Because really the amendment is to add Phase III and any future development.

Commissioner Limtiaco I'm asking because this was from our last NOA which included the temporary (inaudible/excessive noise) for us to approve a permanent subdivision plan, but we're still working on the items from the temporary NOA. Just for (inaudible) purposes and for the integrity it's kind of hard to … approve this. We need to make sure we clean house and we're

completely ... we've fulfilled all of the conditions. I'm sorry that's why I (inaudible/excessive noise).

Commissioner Bathan Mr. Untalan, I want to go back on the warrant study because you mentioned here on the last GLUC meeting on May 22, 2014 that a warrant study to justify the need for a signal light.

Richard Untalan if a warrant study justifies it.

Commissioner Bathan my question is have you ordered a warrant study.

Richard Untalan no not yet because when I spoke to DPW ... you know they said well Rich you can do a warrant study but right now there's not even on our radar right now. We're going to spend some money and if you want to wait because that doesn't ... my advice is just to wait because you'll be spending money now and if you want ... a year from now, two years from now if there's more justification you're going to have to do a brand new warrant study.

Commissioner Bathan so what is it they want you to wait on?

Richard Untalan traffic, patterns, number of homes finished coming in, the usage, perhaps accidents in that area; those are the biggest issues. And right now very little traffic because we only have 30 homes on the ground. They don't want any potential they don't want us to look into the future they want to see what's actually happening now.

Commissioner Bathan how long does it take to get the warrant study completed?

Richard Untalan other than the traffic patterns which you have to run the line across and see what's going back and forth that's usually 30 to 60 days to running it. After that then there's just the warrant study, you do research. There hasn't been any accidents so we can't just say there's been accidents in this area. Those are the two key factors there. It's really interesting that if there's no accidents you're not on the list. They're not even going to look at you. I guess they want someone hurt first before they'll even consider it.

Commissioner Bathan now that the Record of Decision has been signed and finalized I think we'll be expecting traffic in that .... On Marine Drive going to Andersen.

Commissioner Limtiaco Mr. Sana I have a question for you. In the application packet you gave us the final subdivision approval application. You (undecipherable) but didn't sign it. Did you submit a signed application...I should ask the Chief Planner this.

Richard Sana yes I did; I thought I had signed ....

Commissioner Limtiaco Mr. Chief Planner, I'm asking Mr. Sana .... no, the application. I'm asking Mr. Sana if he had signed the final subdivision approval application and submitted a signed copy to you.

Chairman Rivera we're still discussing the traffic light.

Commissioner Cruz unless I see something from DPW that tells us that it's not required and Federal Highway says it's not required. I've never seen Marine Drive a 4-way intersection.

Vice Chair Arroyo was it everybody's consensus that a traffic light was to be installed at that intersection.

Commissioner Limtiaco that's what I understand, but I need to go back and look at the previous Minutes.

Vice Chair Arroyo it's unusual that we feel one way and the developer feels different.

Commissioner Bathan I think it's because we were looking at the three projects that was supposed to be in that area. There's a lot of development of going on there so we expect a lot of traffic coming from that area; so, we thought that the traffic light would be necessary.

Commissioner Limtiaco I do want to let the Commissioners know what my recollection of this...the traffic light was the cost ... adding and installing a traffic light wasn't necessarily something to be borne solely by TRI. I thought ... my recollection was that the Commission was concerned about the safety of the residents (and of course Planning) making sure the safe ingress/egress from Marine Drive. But, TRI and Golden Gate and CLTC and at that point it was the late Monte Mafnas and Oscar Calvo, we asked them to please get together and figure out how can we make this area livable. How can we accommodate the super quick growth in this area, and everybody wanted to go at the sametime. Song Song wanted to get going as soon as possible and then heard from Mr. Untalan that they're behind schedule. TRI is obviously the applicant that is most on schedule and then CLTC is way behind schedule if they don't even have an approved subdivision map yet and we're not going there. There's a symphony of different things that you expect and we haven't gotten to the utility connections yet. If the CLTC needs to come to the table and be able to coordinate with TRI. Golden Gate needs to come to the table and talk to TRI and CLTC and figure out what they're going to do because they're area, granted their subdivision is south of this, but it's still in the same general area, they're still using the same access roads and they had said we want to use the same access roads; we want to use this intersection. I can't .... I really don't feel comfortable discussing the intersection until this Commission has had a chance to go back and review its past minutes for all three issues because all three are joined together.

Commissioner Cruz the other thing is that ... I guess Mr. Borja can basically let us know that for the subdivision that is going out there this should happen in what three years?

Michael Borja sooner .... I'm putting on my Chamorro Land Trust Commission hat now. The reason why the Chamorro Land Trust Commission hasn't been able to proceed in any other form is because the lack of commercial rules and regulations. And that's because we cannot engage even if we are not putting the money out in commercial activity without rules and regulations. Now that the rules and regulations in place are supposedly adopted pending the Attorney General's opinion we'll be able to proceed. And as Mr. Untalan had mentioned we're already looking at the ... getting ready to do probably a round-table discussion with some developers to determine what needs to be discussed and mentioned in a potential RFP so that we could move forward with this. That's the reason also that the subdivision as the Chief Planner had pointed out is that the subdivision master plan for the Chamorro Land Trust Commission subdivision up there is really not the most ideal layout of the property that we want to see and perhaps a developer when they are able to put in the infrastructure will be able to use the land at the highest and best use and the lot sizes would become much smaller. That's only the lot size because the lack of infrastructure. And that's where we're at. I think we'll be moving forward with this a lot sooner. If these rules and regulations are indeed adopted we're going to be able to proceed at a much faster pace.

Commissioner Limtiaco and when do you expect the AG's opinion?

Michael Borja I think it will come much sooner than we think.

Commissioner Cruz what's your guess-ta-mit (Sic) on the number of lots.

Michael Borja there's about 160, but it could be much larger than that.

[Lengthy discussion continues on the number of lots and lot sizes and the need for a traffic signal. Mr. Aguilar added that the layout of the land and how the meets and bounds will actually fit with the topography has not been completed assuming with full utilities. Mr. Aguilar also made mention of the round-table that was conducted with TRI, Golden Gate, CLTC and regulatory agencies on the potential fast going growth of this area which sparked the idea of the installation of a traffic signal.]

Vice Chair Arroyo what it sounds like ... you're saying that since it doesn't appear that a traffic light can be installed until we get to a certain threshold of homes, growth in that area; the last guy to come to us with a request to approve the final subdivision will be hit with the traffic light.

Marvin Aguilar the fact of the matter is that you want to put this instrument on public land. The folks that control this public land is the Federal Highway folks. It's very cost intensive, but it really boils down to the federal government.

Commissioner Limtiaco Mr. Chief Planner, I'm not saying that we can't move forward because there isn't a traffic light or four-way intersection or a four wait stall and to find, not necessarily this application but then again we're trying to plan the entire area. I don't want to burden this developer with having the traffic light and we need to go back and figure out what were the

commitments made. If the rest of the Commissioners are ready to move forward that's fine. I'm not sure if I am; but we have more than enough votes here.

Chairman Rivera I specifically ... and I started asking ... and I go back to your comments Mr. Untalan where you say we can't really wait for these others so you're going to go ahead and correct whatever is out there. Not necessarily to build a traffic light but to correct your pattern into your subdivision. I'm not saying I don't recall whether yes there would be a traffic light there. And I don't know whether ... and I'm just kinda guessing that this traffic light is really towards the end when everyone is completed and can all venture into the cost to this. I don't recall, I don't remember. Once it's complete and the whole entire subdivision between yours and there's hundreds and hundreds of houses there that will be the effect.

Richard Untalan Commissioners, if I may say something. Reality is reality. We hope that there will be hundreds and hundreds of homes going up there. As you can see it's a mind struggle just to get to this point. You know and we have, I think, have been generous ... TRI; putting in a park, putting in the water and sewer which we are allowing CLTC to connect for free. Although as we all know, GWA...we have the right to charge anyone who tries to connect to our water/sewer lines okay. We have communication lines going in there; we have power lines, primary lines they can stub off that they don't have to bring any of these things in. We've done the drawings and topos and survey maps and everything they've requested of us, you know. We've shouldered exclusively the burden of what really should be shared by all of Guam. This is really a development issue that could be under an overall general planning issue. This should be done by GWA and all the other agencies you know. But you know, we decided to do this because we wanted to speed things along, help things along, okay. And that's where we are. To hold us hostage just for a traffic signal is very tough on us, we can't. The burden on us to put in a traffic signal light we're talking about half-a-million dollars, and that makes our project less, maybe not even viable just to do that. I don't know about Song Song, I can't get them to commit because I have no control over that. I'm not sure what this other third project over there I have no idea who they are and they seem to have just disappeared; they're not around anymore you know. We're the only one here, and we're spending a year a hundred, about hundred fifty thousand just for this Marine Drive intersection alone which again ... GovGuam...this is a public easement okay! Why should we be paying for it! If you think about it you know. We're paying 5,600 dollars per house right now for systems development charge! We're paying over $600,000 just to go into the utility fund, fund development! We have to pay that in! Where is all this money going?! Why don't they go in and put in and upgrade Marine Drive and do all this!! So, I think to ask us to put in a signal light .... good *God*!! I mean that's .... I apologize and I'm sorry if I mis-spoke; but, I think we've done more than our fair share and you know to hold up our project to a put traffic signal light I think it's unreasonable. And I certainly ask you Commissioners to consider all that. Think of all that we've done and continue to do as Mr. Borja can attest. We're the ones pushing with Mr. Borja. He's now coming in and pushing it himself he's taking initiative on these affordable home projects. I know how the system works. It's just going to lay (undecipherable), overgrown with grass, maybe a ranch here and there, and all kinds of things. What you're going to have is just another Lada Estates that's what's going to happen. We're trying to come up with a way to raise the bar and Mr. Borja is pushing that. Let's

see if we can get a developer to come in, build homes so that they don't come in and do whatever they want these landowners! And Vic knows Mr. Cruz knows that's what's going happen! They're just going to do whatever they want. Is that appropriate I don't know I'm not going to tell them what to do. We are trying to raise the bar there and we're trying to help the government reach their goals as well and we'll do our part (you know). I think we've done more than our fair share so far.

Chairman Rivera you're correct.

Commissioner Bathan on the systems development charge everybody is paying 5,600 per unit for water that doesn't include the ... water/sewer but it doesn't include traffic signal unfortunately.

Richard Untalan when we first went to GWA ... in addition to the systems development charge they wanted us to put in more improvements, and we said no that's why you have a systems development charge; it's one or the other, you can't now ask us to do more than the systems development charge.

Commissioner Limtiaco you know Mr. Untalan, I hope that you don't think that I am not (inaudible/excess noise) because I don't (undecipherable) assuming that all conditions of NOA are met. We already know that one was not met. I don't want to charge (inaudible due to excess noise) that's not my point. My point is just to make sure that we understood what the meeting of the minds what was agreed so that we can move forward with the final approval. This is really good for Guam. Paradise Meadows ... they already have a success rate with Paradise Estates, having this in Yigo, they're really trying to keep the houses affordable. It's one of the few ones that you can move in and you're basically, I think Richard had said bring a toothbrush pretty much everything else there. And all of those things were addressed by this developer, and trying to take away a lot of barriers that first time homeowners, but definitely something homeowners have. So, we should move forward. But this Commission is in this pickle because we have to look also at the MOU between TRI and CLTC. We were not privy to sitting in any of those round-table meetings. We were not privy to sitting in the board meetings with the CLTC to hear exactly what their (inaudible/excess noise). And of course there's the other developer, there are a lot of moving parts here. I just want to make sure that when we do approve the final subdivision plan that we're including everything which is including the park. So TRI has given a lot and they've also agreed to it because they don't have to separate another section of their property to support more open space then what is required and have this joint use with CLTC. So there is give in and take and I do agree that this applicant has (inaudible/excess noise) a lot.

Vice Chair Arroyo I think .... calls for a certain degree of flexibility especially if certain contingencies have not come through. I think we need to be aware of that. And that if the things that were supposed to happen didn't happen then we need to adjust our plans to accommodate that. We could find that even if we go back and take a look at what was agreed doesn't make sense today because of the way things turned out we may have to adjust our thinking.

Commissioner Limtiaco and that's fine, but we need to make sure we acknowledge and address that we no longer have this certain condition whether it was stated in the minutes, and if...in the NOA or specifically stated in the NOA we should because the applicant deserves it. We should be very specific about what conditions are put on the applicant. Mr. Untalan is right there's so many conditions we need to make sure that he understands what is a condition and what's not and this NOA is for the land, it's for the subdivision, it runs with the land right, and there's an MOU from a third party it's all of these things that we're referencing. We just need to get it right that's all I want to do just make sure it's right. I agree with the Vice Chair, we need to be flexible with this as well.

Chairman Rivera we're discussing the traffic light which I brought up. However, we need to look at the picture of this. The development is there we went to their groundbreaking. The process is done. They've corrected the traffic .... For us to literally say can't or back to say I just feel that ... what's here before us is really the subdivision and I understand you're dealing between the MOU and the Chamorro Land Trust which is part of that and I think that all is there which is the ponding basin, the playground, everything is there.

Commissioner Bathan what should we do with the conditions of the NOA because if we move forward with this application today, how do we assure that they're still going to be complying with the conditions of the NOA that they're a part of. For example, the park, the beautification of the 60-foot easement.

Chairman Rivera I think part of the recommendation of staff is the approval of conditions specified in the May 22nd, 2014 .... So those conditions are part of these conditions. Right Marv? Your recommendation is the approval specified on the May 22nd is part of the conditions.

Marvin Aguilar what we were sensitive about was that again we don't know if there was any investment in the MOU agreement between TRI and CLTC let alone with Song Song.

Commissioner Bathan so they can ... even if we move forward they still have to comply, they must comply with the conditions ... whatever was on the NOA.

Marvin Aguilar yes. Our projection of final development for Paradise II and I was 36-months; but as Mr. Untalan had stated it will be completed this time next year. And not to hold him by the fire, but we've given the opportunity to look at this agreement and make sure that their conditions are fulfilled and that's what makes it kind of critical right now because this is the final and need to establish here. The final can be approved with conditions.

Richard Untalan and if I may add Commissioners, those conditions are important to us.

Chairman Rivera part of the recommendation of the Planning staff is to recommend approval with conditions specified in the May 22nd, 2014 Commission approval so that still holds water. Marv, am I correct that that's your recommendation is the conditions are set forth whatever has been done? **[Mr. Aguilar responds "yes."]**

Commissioner Cruz does that condition based on this?

Commissioner Limtiaco yeah on that NOA. I think that we need to ensure that the conditions like the MOU, it's been a year a; they have to come back here for the tentative subdivision map for Phase III; and so we have open conditions on a final subdivision that's already done, it's already released. I agree with you Mr. Untalan, you have a good reputation of what you build in your communities. If we're not very clear with the conditions and ensure that we're keeping track of all of that then we're not doing our job.

Richard Untalan absolutely. I welcome ... in fact I can assure you that within 30 days we'll have before the CLTC as soon as they have a meeting a document amending the Memorandum of Understanding between CLTC and us.

Commissioner Limtiaco how soon are you ... if you're planning on Phase III, this is II how soon would you .... theoretically, assuming everything goes ....

Richard Untalan before we complete Phase II which would be probably sometime next summer if it proceeds. Because we won't have to go through the usual process; zone change, subdivision, review of the agencies, public hearing.

Commissioner Limtiaco I know you're saying if it proceeds because you're being cautious; but in the back of my mind I still have this playground, this open space and maintenance. And if does not ....

Richard Untalan (inaudible due to excessive noise) no matter what.

Commissioner Limtiaco thank you for that because you're saying we're not going to do it till the very end.

Richard Untalan we're going to start the park as soon as we move out the stage 5, the field office, oh yes.

Commissioner Bathan so you're not going to wait for Song Song to do their ....

Richard Untalan oh no, no, no, the park.

Commissioner Limtiaco so you're going to proceed with the park at whatever you decide the last phase of this subdivision will be.

Richard Untalan no, because if we do another phase we're going to have to move the field office. So, we'll be doing the park during Phase II, this phase which will be by ... we'll be starting the park probably by April, March or April of next year.

Commissioner Limtiaco okay because I thought you said Phase V.

Richard Untalan no, stage V.

Commissioner Limtiaco okay, I'm good. Commissioner Oh, you have been quite quiet.

Commissioner Oh I'm just trying to absorb because I wasn't here.

Chairman Rivera we brief (sic) him about … you see this is a unique project because of the … and it goes back to the late Monte Mafnas who …. this negotiation with the Chamorro Land Trust and your development and this guy's development and we kinda …it's a win, win for all of the …. especially for the Chamorro Land Trust to hook up to the power, the water. This project is really … accommodates a lot with Chamorro Land Trust … of course, we gave you property for entrance and everything, but for the hook up though you allow the Chamorro Land Trust to hook up to the utilities and sewer and stuff.

Commissioner Cruz knowing that the (inaudible/excess noise)…the last discussion about the.... you're committed to the utilities providing sewer for the Chamorro Land Trust. I just want to ask Mr. Borja how soon do they think they will be able to come up with some sort of subdivision map showing the number of lots and all that. I know it's hard for me to basically to tell you know go and put the sewer extension …. I just want to make sure that you're totally committed to providing to that.

Richard Untalan if we were allowed in the beginning to draw up the subdivision to get it approved then we would have stubbed it out then.

Commissioner Cruz I understand. I just want to make sure that you do your second MOU or your amendment that that was included. And furthermore on your MOU you have the portion of the public park which is good. Bear in mind that although you're spending all of it mostly the proceeds from the selling of it goes to TRI, you needed Chamorro Land Trust to make your program ….. the only thing I want to add on this … if they're going to amend this MOU please include consultation with the Department of Parks and Rec so that the parks are uniformed throughout.

Richard Untalan one other thing that we're doing that none of the other subdivisions are doing; we're adopting the park, we're maintaining it. The HOA which is being run by Mr. Murphy here will be maintaining the park. Unlike other parks that DPR will come in and fix whatever needs to be fixed we're doing it ourselves.

Commissioner Cruz and talking about the parks; in the drawing that you gave us your road that goes through the park from the subdivision. Will that road be open or is it going to be gated?

Richard Untalan no, the park will be open to the public from the outside. If there is a gate it will be within the subdivision.

Chairman Rivera any other comments? [None] One of the comments made was that stub-out thing man Rich (Sic) we just want to make sure that the Chamorro Land Trust ... people whoever bought that twenty years from now when they're ready to hook up that the stub out is close by. And we did talk to Marvin to get the Chamorro Land Trust to get their subdivision going.

Michael Borja yes and I just wanted to enlighten everyone that the vision that the Chamorro Land Trust has is to not ... is to stop giving out properties that are unimproved and start giving things out that are improved. The only way to realize the full infrastructure is to be able to have some kind of coordinated development the whole subdivision development done by the developer that qualify the eligible applicants can afford and buy. It's really important that we raise that bar because this is going to be a full community. You've got prized homes in the back side of this whole area and you don't want to sour the appearance of the whole area if you're driving through ranches, (undecipherable) and what not is typically of what you'll see. Plus you also have the aquifer to consider when we start putting all these homes in place. We gotta protect the aquifer and these communities sit right on top of it. It's very important that we do it right. And this will be the first phase in which we can begin doing these things for Chamorro Land Trust land so that people can start to see that we're doing something a little bit better.

[Lengthy discussion continues on Chamorro Land Trust properties to include discussion on adoption of CLTC rules and regulations and the opportunities for the CLTC to have revenue to be able to assist in development of the infrastructure.]

Commissioner Limtiaco Mr. Untalan had said that he will make sure to get that ... to contact the CLTC immediately and try to get that MOU changed and draft to be submitted to the CLTC at their next meeting; their next meeting is when?

Michael Borja the next meeting is September 17th; so that's going to be kind of tight. That agenda is strictly going to be a public hearing from the public hearing.

Commissioner Limtiaco assuming they meet twice a month (Mr. Borja responded once a month so the next meeting will be in October). I don't think that's too far away. If they meet in October and then you're going to receive that and ... if there's really not a huge substantial change it's just to include all of the lots that is anticipated to be included in the subdivision; we weren't asking to change the MOU, the terms of the MOU we just saw an error in the MOU to change it. I think the developer has a good track record, they're going to Phase II and even before he's done with Phase II they want to submit plans for tentative plans for Phase III. So there is an issue with the density and we're looking to the future. Maybe by the time we look at Phase III, hopefully, we'll have a final subdivision from the CLTC. We might have a chance to call in Golden Gate and talk about Song Song. Just to make sure everyone is really putting in their fair share. And for me personally I'll have a chance to read all the minutes again.

Commissioner Cruz on this drawing that you have for the approval with DPW and all of that. If you get the approval how soon are you going to do this?

Richard Untalan we already have the quotations it and so we're talking about next month. We want this thing on the ground as soon as possible because my Marketing Director and Broker are continually complaining that they can't turn left, and so we have an incentive to get it done sooner than later. We have no choice in that matter because from our economic standpoint is driving us get it done sooner.

Commissioner Cruz I assume you worked with Rights-of-Way (Mr. Baldeviso responded "Highway Division.") Highway Division and everything and that's how you got the approval. I guess the question ... the issue of putting up a traffic light beside that study you needed to do you needed approval from Federal Highway to make it happen right and all that. Now, the question I have is did this go through them? Through Federal Highway.

Ernie Baldeviso no, just the Highway Division. In fact, the design of that if you were to install a traffic signal it can be adopted to that.

Commissioner Cruz does it required Federal Highway approval?

Ernie Baldeviso I think it will be recommended by Public Works to Federal Highway.

Commissioner Limtiaco are we ready to move?

Chairman Rivera Commissioners ---

Vice Chair Arroyo I'd like to move for the approval of Application 2013-45C relative to the subdivision application, final subdivision application for Paradise Meadows Phase II on Tract 10402 (Lot 712-3-3-) in the municipality of Yigo subject to the conditions as specified in the May 22nd, 2014 tentative subdivision Commission approval as noted in the Notice of Action dated May 22nd, 2014, recorded and document number 871052.

Does anyone want to add to that?

Commissioner Bathan I'll second.

Chairman Rivera motion by the Vice Chair to a .... to request for the final subdivision for Paradise Meadows Phase II, second by Commissioner Bathan. Any final discussion? [Commissioners had no additional discussion and/or comments]

All in favor of the motion to accept the final subdivision say "aye" **[Chair Rivera, Vice Chair Arroyo, Commissioners Bathan, Limtiaco, Cruz and Oh]**, all oppose say "nay."

[Motion passes unanimously; 6 ayes, 0 nay]
[Commission recessed at 4:26 p.m. and reconvened at 4:34 p.m.]

Chairman Rivera we're back on ---

V. Administrative and Miscellaneous Matters

Chairman Rivera I think what we want to discuss here real quick is the Matapang Beach Park. In our last meeting we asked ... there was some concern about Matapang we've asked Marvin or the Chief Planner to come up with MOA, MOU, whatever memorandum, NOA; that has been provided and went through it. There's a permit process ... what I reviewed is because the permit is for twenty years it appears that that permit has expired and it's really a permit with the Department of Parks and Recreation. The Guam Land Use Commission basically NOA, I saw that NOA it's just a one page and they attached the minutes which was one paragraph. My *God* it's terrible, but it just indicates that the ... and I think we're ... we kinda need to just kinda it's just a parking requirement. The way I saw the permit and the 20 years has been up I think the NOA in our side has been fulfilled, but that's my opinion. However, the permit still has this 50-year usage which still ... I think we still have so many number of years before the 50 years to come up. And we kinda discussed, kinda informally (sic) however, what I feel is to have the Chief Planner with the Director of Parks and Recreation and maybe with our Director here (Mr. Michael Borja) sit down with Parks and Recs and review the permit, kinda discuss the whole history of how the Matapang Beach Park came about. Kinda find a solution to how to continue that maintenance of that park and maybe come back to us and report back to us what's your finding and how what approach can we do and maybe invite the hotel owner now and kinda brief on what really transpired what happen twenty years ago kinda make him understand the situation the government is in and where he's at and kinda maybe get GVB everybody involved to kinda, kinda adopt that park or something. That's just my thoughts.

Commissioner Limtiaco Mr. Chair, after reviewing all of the documents my concern is really limited to the NOA. Whether or not the current owners of the Holiday Resort are maintaining the park or not, to me that's the least of (inaudible/excess noise). My concern is whether or not the hotel still has adequate parking slots, and that's where that permit between the hotel developer and the Government of Guam came in is because we had mentioned the permit that was for twenty years for the maintenance park in exchange for parking. But what remains on the permit is just access to the park and not necessarily parking. And so again, my issue here is does the hotel have adequate parking...period. We are still including parking stalls that is on Government of Guam land that's great now show us something that says you have some sort of a valid agreement with the Government of Guam to do that. I want to treat this just like we would any other applicant. If you have a parking agreement with someone else, awesome show us the agreement. I just wanted to mention what my thoughts are on this.

Chairman Rivera any other comments ... Marv ....

Marvin Aguilar and we're still searching for more documents. Through Frank we were able to find this file. So, we are still looking for more information. The way NOAs, unfortunately, were produced of course is left to be desired. If they were doing it the way we're doing today of course it would give us better guidance.

With respect on parking; they do mention inadvertently it's as if they want to say it but they don't that this trade-off including parking. Just taking a look at the basic elements of the NOA, I still don't know what the, other than height or setback, I don't want the conditional use permit was for originally or for that matter what the variance was for.

Commissioner Limtiaco it just brings up a lot of issues that are related to all the hotels in Tumon not just to the Holiday Resort. We have received complaints about parking at almost all the major hotels in Tumon. Whether or not the original NOA or amended NOAs for any of these hotels are understandable I think that this Commission needs to (undecipherable) and make sure that the hotels are abiding by the conditions setforth.

Commissioner Bathan I agree to that I think you received my complaint that one time. I noticed that in most of the hotels that we have in Tumon they have reserved parking for car rentals and they have, interestingly, they have the best spots in the hotel; next to the elevator, next to the...the lower floors while the guests have to go all the way to the top floor and find a parking. I'm not sure when those developments were approved before if they included reserved parking for non-guests, rentals or any other ---

[Lengthy discussion continues on parking issues at all the major hotels in Tumon. Mr. Aguilar adds that GVB is seeing the problem and they're taking steps to engage these problems and reassess their existence in Tumon and how they want everyone to work together. Additional discussion included green space at Matapang Beach which is being utilized by the paddling community for storage of the outrigger canoes and the flooding issue and lack of parking for park recipients at the Matapang Beach.]

Chairman Rivera is that okay Commissioners to have a working session maybe ---

Commissioner Cruz before we go in let's do two things okay as what Commissioner Tricee is putting up. We separate the issue of the park and issue of the hotel's MOA regarding parking period. Don't pull up and everything and everything. Let's draw a line on that are they in compliant (sic) yes or no. And then when we come to the park we have the issue with DPR and trying to get them to ... I'm for them coming in. Bring them in the same way we did with the Beach Bar.

[Lengthy discussion continues on parking at Matapang Beach parking, the hotel and in Tumon.]

Chairman Rivera it's the order of the Commission that the Chief Planner to set up a working session with the Director of Parks and Rec. Come back with your report ... we've discussed, this and this, dah, dah .....

[In addition to discussing the parking with DPR, Commissioner Cruz requested that Chief Planner Aguilar also look into the flooding issue at the beach parking.]

VI. Adjournment

Vice Chair Arroyo motion to adjourn.

Commissioner Limtiaco I second.

Chairman Rivera motion to adjourn by Vice Chair, second by Commissioner Limtiaco; all in favor of the motion say "aye" **[Chair Rivera, Vice Chair Arroyo, Commissioners Limtiaco, Bathan, Cruz and Oh.]**

The regular meeting of the Guam Land Use Commission for Thursday, September 10, 2015 was adjourned at 4:50 p.m.

Approved by:

Lawrence S. Rivera, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Pro Tem
DLM, Planning Division

Date approved: 9.24.2015

GUAM LAND USE COMMISSION

Chairman Lawrence S. Rivera
Vice Chairman John Z. Arroyo
Commissioner Conchita D. Bathan
Commissioner Tricee P. Limtiaco

Commissioner Victor F. Cruz
Commissioner Tae S. Oh
Commissioner, Vacant

Michael J.B. Borja, Executive Secretary
Kristan Finney, Assistant Attorney General

AGENDA

Regular Meeting

Thursday, September 10, 2015 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, August 13, 2015

III. Old or Unfinished Business

IV. New Business

Conditional Use

A. The Applicant, Guahan Baptist Church represented by Donald J. Eckert; request for a Conditional Use permit to allow for the construction and operation of a proposed new temporary steel building for the Guahan Baptist Church, on Lot 2-4NEW-R6, Block 7, Tract 207, in the Municipality of Talofofo, in an "R1" (Single Family Dwelling) zone, under Application No. 2015-05. Case Planner: Celine Cruz

Final Subdivision

B. The Applicant, Eduardo G. Camacho represented by F.C. Benavente Planners; request for a final subdivision (Paradise Meadows Phase II) consisting of 26 residential lots, 2 rights-of-way lots, 1 lot for ponding basin and 1 lot for open space for mailboxes for a total of 30 lots, on Lot 7128-3-3, Tract 10402 in the Municipality of Yigo, in an "R1" (Single Family Dwelling) zone, under Application 2013-45C. Case Planner: Marvin Aguilar

V. Administrative and Miscellaneous Matters

VI. Adjournment

STAFF REPORTS A & B

ATTACHMENT A

DIPÅTTAMENTON MINANEHAN TÅNO'
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(Government of Guam)

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EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

September 3, 2015

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2015-05, Conditional Use Application Guahan Baptist Church

1. PURPOSE:

A. Application Summary: The applicant, Guahan Baptist Church, is requesting approval of their Conditional Use Application to allow construction and operations (Church Services, Sunday School and related activities) of a proposed new temporary steel building on Lot 2-4NEW-R6, Block 7, Tract 207, Ipan Talofofo in an "R-1" (Single Family Dwelling) zone.

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

2. FACTS:

a. Location: The property is located along Route 4. See **ATTACHMENT.**

b. Lot Area: 9,845 Square Meters or 105,970 Square Feet.

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

d. Field Description: The property was previously cleared and has the remnants of the former Camp Dealy Store which was a semi-concrete structure that is now abandoned. The property has many pine trees that run along the boundary perpendicular to Route 4 as well as other large trees scattered throughout.

e. **Masterplan:** Undesignated.

f. **Community Design Plan:** Rural Residential.

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

A. **Date Application Accepted:** February 18, 2015

B. **Date Heard By ARC:** March 5, 2015

C. **Public Hearing Results:** The public hearing was conducted at the Talofofo (Jeremy Newby) Youth Center, at 6:05 PM, on July 14, 2015. Present were Planning Division staff and representatives from Guahan Baptist Church – Pastor Don Eckert, Manny Quichocho and Gordon Cruz. Also in attendance was the Mayor Vicente Taitague as well as numerous parish members.

The topic of discussion at the public hearing was centered around the Church's desire to meet the spiritual needs of the community. Representatives of Guahan Baptist Church presented the need for the new facility and how they plan to follow all government rules and regulations in building and operating the proposed church. The mayor added that since there was no adverse impact to the infrastructure, that this activity would most likely improve the quality of life for the residents of Talofofo.

There were no questions from attendees and the public hearing was closed at 6:21 PM.

4. STAFF ANALYSIS:

Pursuant to Section 61305(b)(2) of the Zoning Code as a conditional use in an "R-1" (Single Family Dwelling) zone and as specified by Section 61303 of the Zoning Code, is a specific use permitted upon approval by the Commission of **the site plan**, including but not limited to, **disposal of sewage**, **access, parking**, **structural location** and **dimensions of buildings**, **impact of the proposed use on adjacent land uses** and **accompanying covenants that may include performance standards.** The Commission shall also consider such other elements as may be reasonably related to the **health**, **safety** and **general welfare** of the community. With this in mind, we provide the following:

SITE PLAN

The site plan identifies the first structure that will be built if approved as the temporary building; a 20' by 60' manufactured steel building mounted on a concrete pad atop 2 CMU layers for added height and reinforcement. Also identified as the future permanent structure is an 83'-4" x 60' structure.

DISPOSAL OF SEWAGE AND GARBAGE

A septic tank and leaching field drainage system will be designed and installed to handle the number of people attending services. Garbage dumpsters for the general garbage and recyclables will be provided to meet the demand.

ACCESS

The lot is a corner lot and can be accessed via Chalan Canton Tasi (Route 4), a 100-foot wide Right-of-Way and Paulino Heights Road, a 40-foot wide Right-of-Way. The applicant will coordinate with the Department of Public Works to determine the best suitable access for this activity.

PARKING

A new parking lot will be designed for at least 70 stalls, including 2 ADA accessible parking stalls. The parking and driveways will be paved with landscaping surrounding the parking area.

STRUCTURAL LOCATIONS and DIMENSIONS OF BUILDINGS

The proposed project site is located off Route 4 on Chalan Canton Tasi. Specifics of the proposed development of the manufactured steel building are depicted below:

	A	B	C	D	E	F
1	DEVELOPMENT FACTORS	LOT DIMENSION	LOT AREA SIZE	MAXIMUM (STORY/HEIGHT)	MINIMUM REQUIRED (SETBACKS)	PROPOSED (SETBACKS)
2	PARCEL	180' x 505'	105,970 SQF			
3	STRUCTURE	20' x 60'	1200 SQF			
4	HEIGHT			3 story or 30'		
5	FRONT-Rt. 4				15'	134'-4"
6	L/SIDE				8'	+20'
7	R/SIDE				8'	+20'
8	FRONT-Paulino Heights Road				10'	+20'

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

The intended use does not require any deviation from the law; however because the present zoning of the property is "R-1" (Single Family Dwelling zone and the use is a permitted conditional use of the land, it is required to be subjected before this Commission prior to its implementation.

If approved and when completed, the publics' health, safety and welfare will have been adequately addressed.

For the Commission's information, we have considered the option to subject this application under a rezoning action under the zoning designation as a "Light Industrial zone" (M-1) for which this activity is permitted. Since the impacts of th Church activity would likely be more accepted than Light Industrial activities, we feel the conditional use request is in line with the spirit and intent of the zoning regulations. The strategy was that under a conditional use approval, there would be conditions imposed versus a zone change wherein conditions could not be made a part of the approval.

Our review and analysis of the form and context of this application in reference to the Zoning Law as well as the support by the mayor representing his community during the public hearing process; and lastly, the response received from ARC Agencies having no objections with conditions, we conclude that the proposed use is necessary for the health, safety and general welfare of the community.

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

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

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

B. If this Conditional Use Permit is granted, The Applicant is required to carefully read, Understand, and Comply with the Time Limitation condition Noted on the First Page and the Acknowledgment Agreement at the Last Page of the Notice of Action that cites ***"Pursuant to Executive Order 96-26, Section 5, Applicant must apply for and receive a building or grading permit for the approved***

GLUC/GSPC project within one (1) year of the date of Recordation of the Notice of Action, otherwise, the approval of the project as granted by the Commission shall be null and void"; and

C. That Applicant shall not submit any request for a Building or Grading Permit, should the Time Limitation as specified in EO 96-26, Section 5 has elapsed (note: if this occurs, the application must be resubmitted as a new application that must undergo the entire process anew); and

D. That for ingress and egress, the applicant shall establish access to the property from Paulino Heights Road in coordination with the Department of Public Works.

E. That any changes to the approved site plan as a result of the permitting process be reflected in an "as built" survey map to be submitted to the Guam Chief Planner prior to the issuance of an occupancy permit.

F. Any changes to the approved site development plan shall require a re-submittal to the Commission for review and approval. *(Note: Any changes to the approved site development plan shall be subjected as a new application pursuant to §61303(a)(c).*

Marvin Q. Aguilar
Chief Planner

ATTACHMENT

1. **Location Map**
2. **Guahan Baptist Church response to ARC comments and conditions**

Case Planner: Celine Cruz

GUAHAN BAPTIST CHURCH

August 7, 2015

Chairman, Guam Land Use Commission
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Subject: Response to Conditional Use Application for:
Lot 2-4NEW-R6, Block 7, Tract 207
Municipality of Talofofo, Guam

Dear Chairman and Commissioners:

This is our response to Public Works and the Bureau of Statistics and Plans concerning the Guahan Baptist Church Conditional Use Application.

Concerning Public Works:

A. We will incorporate the existing trees throughout the property into our landscaping design.
B. This energy efficient code will be part of our design on the final set of drawings.
C. We will comply with the ADA requirements concerning the parking situation.
D. Our egress and ingress will be coordinated with the Division of Highway.
E. We will comply with the 170 MPH wind load requirement and conform to the latest building code requirements.
F. Trash bins will not be located in an area that will hinder the public's right of way.

Concerning the Bureau of Statistics and Plans:

A. This project will comply with the Guam Storm Water Management Policy and will work closely with the Bureau to implement this policy.
B. Concerning erosion control – We will implement erosion control methods to prevent sediment from leaving the construction site.
C. We will consult with the Department of Agriculture (Division of Forestry and Soil Resource Division) on using native plants to avoid invasive species outbreak.

D. We will consult with the Department of Agriculture in using correct fertilizers and pesticides.
E. We will consult with appropriate agencies concerning historical and archaeological findings.
F. We will take under advisement information regarding the local waterbed situation.
G. We will comply with the "Air Pollution Control Act."
H. Our egress and ingress will be coordinated with the Department of Public Works.
I. In regards to automobile parking we will coordinate with the Department of Land Management to insure that parking will meet the general requirements.
J. Proper setback requirements are being followed.
K. We will forward any future changes to GLUC prior to any work.

Lot 2-4NEW-R6, Block 7, Tract 207
Ipan Talofofo

NOTICE TO REZONE
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A CONDITIONAL USE
APPLICATION DESCRIPTION: CONDITIONAL USE REQUEST IN ORDER TO OPERATE CHURCH & RELATED SERVICES FOR GUAHAN BAPTIST CHURCH
APPLICANT / REPRESENTATIVE: GUAHAN BAPTIST CHURCH represented by PASTOR DON ECKERT
LOT, BLOCK, TRACT, MUNICIPALITY: LOT 2-4 NEW - R6, BLOCK 7, TRACT 207, IPAN TALOFOFO
PROPOSED CONDITIONAL USE: CONDITIONAL USE REQUEST IN ORDER TO CONSTRUCT A NEW TEMPORARY STEEL BUILDING FOR GUAHAN BAPTIST CHURCH SERVICES AND RELATED ACTIVITIES
DATE
TIME
PLACE
PUBLIC HEARING: Tues. July 14, 2015 6:00 PM Talofofo (Jeremy Newby) Youth Center
GLUC MEETING: September 10, 2015 1:30 PM DLM Conference Room, 3rd Floor, ITC Building

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

September 1, 2015

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC Members

RE: Conditional Use Application No. 2015-05 Guahan Baptist Church

Listed below are the **APPLICATION REVIEW COMMITTEE POSITION STATEMENTS** as submitted:

PERMANENT VOTING MEMBERS

1. **DEPARTMENT OF LAND MANAGEMENT:** Recommend **APPROVAL WITH CONDITIONS** as follows:

   That the Applicants adhere to all ARC recommendations as provided in their respective position statements.

2. **GUAM ENVIRONMENTAL PROTECTION AGENCY:**
   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

3. **DEPARTMENT OF AGRICULTURE:**
   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

4. **GUAM WATER WORKS AUTHORITY:**
   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

5. **GUAM POWER AUTHORITY:**
   A. 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 Code, National Electric Safety Code and GPA's Service Rules and Regulations:
         - Coordinate overhead/underground power requirements with GPA Engineering for new structure.

- Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
- Maintain adequate clearance between any structures and electrical utility easements in accordance with NESC and GPA requirements.
- Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.
- Provide scheduling and magnitude of project power demand requirements for new loads.
- All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.

6. **DEPARTMENT OF PARKS AND RECREATION:**

No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

7. **DEPARTMENT OF PUBLIC WORKS:**

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

- To revise the site development plan, reflect the existing trees fronting the property area and incorporate in your landscape design to make use of its physical and biological resources;
- Incorporate an eco-green and energy efficient code of as part of your design concept;
- Parking layout and parking stalls (compacts, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- Adequate egress / ingress must be coordinated with the Division of Highways (rights of ways section);
- The wind load velocity must sustain 170 MPH and must be in conformance to the latest building code requirements; and
- If the owner uses to use any solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way.

8. **BUREAU OF STATISTICS AND PLANS:**

The Bureau has completed its review of the subject application and has the following comments:

1. **Storm Water Management.** The project site comprises impervious surfaces from parking stalls, driveways, sidewalks, and rooftops, which accelerate polluted runoff into near shore waters. Therefore, the Bureau recommends the Applicants to consider a greener approach in its landscaping design by implementing island bio retention, permeable parking and walkways, grassed swales and / or rain gardens as a means to reduce runoff from their property. In addition, by maintaining the trees alongside the subject property will assist in the reduction of storm water runoffs while keeping the natural charm of the landscape. A supplement to the CNMI and Guam Storm Water Management Manual entitled "Island Storm Water Practice Design Specifications" can be obtained at the Bureau of Statistics and Plans, Guam Coastal Management Program office. These approaches will add great benefits such as low maintenance, storm water management, beautification, community acceptance and environmental benefit.

    1.1 **Erosion Control.** During construction, the applicant is advised to implement erosion control methods to prevent sediment from leaving the project site. The applicant is also advised to work with GEPA for effective implementation of erosion control methods and storm water management practices. The *CNMI and Guam Storm Water Management Manual, October 2006* and the *Guam Erosion & Sediment Control Field Guide* are available at GEPA for detailed construction storm water treatment criteria and standards and bio-retention (rain garden) specifications.

2. **Native Flora and Fauna.** Considering the Rhino Beetle and Fire Ants outbreak, the protection from invasive species is crucial in preserving Guam's native plant and animal species. With the Applicant proposing to incorporate landscaping into the project, the Bureau recommends the Applicant consult with the Department of Agriculture's (DOAg) Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks such as the Rhino Beetle and the Fire Ants.

3. **Landscaping.** The Bureau advises the Applicant to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources or near shore waters. The Applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

4. **Historical and Archaeological.** Under the GEPA EIA Short Form #6k archaeological feature(s) or historical sites it states there may be some historical artifacts. Therefore, the Bureau recommends that the applicant coordinate with Department of Parks and Recreation, State Historic Preservation Office (SHPO) to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects and Sites" 21 GCA Chapter 76.*

5. **Watersheds.** Under the GEPA EIA Short Form #6b, it states watersheds not affected, however, the Applicant is to be aware that the proposed project site is located in the Talofofo Watershed.

6. **Air Pollution.** Under the GEPA EIA Short Form #7c production of air contaminants (temporary or permanent), it states there may be production of air contaminants in result of the proposed project. Therefore the Bureau recommends the applicant to coordinate with GEPA to ensure that air contaminants shall not jeopardize human health and are carried out in an environmentally sound manner pursuant to *"Air Pollution Control Act", 10 GCA Chapter 69.*

7. **Entrance/Exit.** The Bureau suggests the applicant to consider locating ingress and egress through Paulino Heights Road rather than through Rout 4 in order to maintain the natural charm and to control storm water runoff as stated in Section 1 above. In addition, the Bureau recommends the Applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress. Additionally, the Bureau suggests the Applicant work with DPW to ensure all building codes and regulations mandated in *21 GCA Chapter 67* of the Building Code.

8. **Automobile Parking Space.** The applicant proposes to construct 70 parking stalls including 2 ADA accessible parking stalls within the proposed site. The applicant's site plan staed only 29 parking stalls with no parking dimensions specified. Therefore, the Bureau recommends the applicant to coordinate with Department of Land Management to ensure it meets the general requirements for this proposed project pursuant to *21 GCA Chapter 61 §61516* and its provisions there under.

9. **Setbacks.** The Bureau recommends that proper setback requirements are followed to ensure the minimum yard and lot areas are established for "R-1" One-Family Dwelling Zone. The Bureau recommends the applicant coordinate with Department of Land Management (DLM) for compliance pursuant to *21 GCA Chapter 61 §61501* and its provisions there under.

10. **Site Amendments.** Any future changes to the proposal shall first be reviewed and approved by GLUC prior to any actual changes pursuant to 21 GCA Chapter 61 §61303(b).

Therefore, should the application be approved, the Bureau recommends the applicant to comply with the aforementioned conditions and to incorporate best management practices into the plans and implement those practices before and after construction of their project.

EX-OFFICIO MEMBERS

1. **DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES:**

   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

2. **GUAM FIRE DEPARTMENT:**

   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

3. **GUAM ECONOMIC DEVELOPMENT AUTHORITY:**

   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

4. **GUAM PUBLIC SCHOOL SYSTEM:**

   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

5. **DEPARTMENT OF CHAMORRO AFFAIRS:**

   No Position Statement has been received as of the date of this Memorandum of September 1, 2015.

Marvin Q. Aguilar
Chairman, ARC

Case Planner: Celine Cruz

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS
SAGAN PLANU SIHA YAN EMFOTMASION
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3 Fax: (671) 477-1812

William M. Castro
Acting Director

MAY 11 2015

MBS 5/13

RECEIVED
MAY 13 2015
Department of Land Management
Time 9:12 Intl

RECEIVED
5/11/15 ICR

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2015-05; **LOCATION:** LOT NO. 2-4NEW-R6, BLOCK 7, TRACT 207; IPAN, TALOFOFO; **APPLICANT:** GUAHAN BAPTIST CHURCH C/O PASTOR DON ECKERT; **PROPOSED USE:** CONDITIONAL USE TO CONSTRUCT AND OPERATE A NEW TEMPORARY STEEL BUILDING FOR GUAHAN BAPTIST CHURCH FOR CHURCH SERVICES, SUNDAY SCHOOL, AND RELATED ACTIVITIES.

Buenas yan Håfa Adai! The Applicant, Guahan Baptist Church, is requesting for a conditional use permit for the construction and operation of a new proposed temporary steel building for the Guahan Baptist Church to hold church services, Sunday school and related activities. The subject property is currently zoned "R1" One-Family Dwelling. The subject property is located along Route 4 in Ipan, Talofofo and has an approximate area of 9,845(±) square meters. Most of the basic infrastructure services including water, power, telephone and cable are immediately available along Route 4 and on the front of the subject property with the exception of sewer. The Applicant stated that the Ipan residential community has seen business growth of a gas station, restaurants, convenience stores, tourist resort and public beach park. The surrounding land uses consist predominantly of residential and agricultural uses within a 750-feet radius of the subject property.

The application states the construction of a temporary 20' x 60' manufactured steel building which will be mounted on a concrete pad atop of 2' CMU layers for added height and reinforcement. The proposed parking lot and driveway will be constructed with 70 stalls including 2 American with Disabilities Act (ADA) accessible parking stalls.

Along the proposed parking lot and driveway will be some landscaping. A septic tank (10x10x8) and leaching field (24x47x3) will be constructed to handle the number of people attending services. The garbage dumpsters for both general garbage and recyclables will be provided to meet the demands.

The Bureau of Statistics and Plans (BSP) has completed its review of the application and project presentation at the Application Review Committee meeting, and provides the following comments.

1. **Stormwater Management.** The project site comprises impervious surfaces from parking stalls, driveways, sidewalks, and rooftops, which accelerates polluted runoff into near shore waters. Therefore, the Bureau recommends the Applicants to consider a greener approach in its landscaping design by implementing island bioretention, permeable parking and walkways, grassed swales and/or rain gardens as a means to reduce runoff from their property. In addition, by maintaining the trees alongside the subject property will assist in the reduction of stormwater runoffs while keeping the natural charm of the landscape. A supplement to the CNMI Guam Stormwater Management Manual entitled *"Island Stormwater Practice Design Specifications"* can be obtained at the Bureau of Statistics and Plans, Guam Coastal Management Program office. These approaches will add great benefits such as low maintenance, stormwater management, beautification, community acceptance and environmental benefit.

   1.1 Erosion Control. During construction, the applicant is advised to implement erosion control methods to prevent sediment from leaving the project site. The applicant is also advised to work with GEPA for effective implementation of erosion control methods and stormwater management practices. The *CNMI and Guam Stormwater Management Manual, October 2006* and the *Guam Erosion & Sediment Control Field Guide* are available at GEPA for detailed construction stormwater treatment criteria and standards and bio-retention (rain garden) specifications.

2. **Native Flora and Fauna Protection.** Considering the Rhino Beetle and Fire Ants outbreak, the protection from invasive species is crucial in preserving Guam's native plant and animal species. With the Applicant proposing to incorporate landscaping into the project, the Bureau recommends the Applicant to consult with the Department of Agriculture's (DOAg) Division of Forestry and Soil Resources Division and Agricultural

Services Division on using native plants to avoid invasive species outbreaks such as the Rhino Beetle and the Fire Ants.

3. **Landscaping.** The Bureau advises the Applicant to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources or near shore waters. The Applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

4. **Historical and Archaeological.** Under the GEPA EIA Short Form #6k Archaeological features(s) or historical sites, it states there maybe some historical artifacts. Therefore, the Bureau recommends that the applicant coordinate with Department of Parks and Recreation, State Historic Preservation Office (SHPO) to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects and Sites", 21 G.C.A. Chapter 76.*

5. **Watersheds.** Under the GEPA EIA Short Form #6b, it states watersheds not affected, however, the Applicant is to be aware that the proposed project site is located in the Talofofo Watershed.

6. **Air Pollution.** Under the GEPA EIA Short Form #7c production of air contaminants (temporary or permanent), it states there may be production of air contaminants in result of the proposed project. Therefore, the Bureau recommends the applicant to coordinate with GEPA to ensure that air contaminants shall not jeopardize human health and are carried out in an environmentally sound manner pursuant to *"Air Pollution Control Act", 10 G.C.A. Chapter 49.*

7. **Entrance/Exit.** The Bureau suggests the Applicant to consider locating ingress and egress through Paulino Heights Road rather than through Route 4 in order to maintain the natural charm and to control stormwater runoff as stated in Section 1 above. In addition, the Bureau recommends the Applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress. Additionally, the Bureau suggests the Applicant work with DPW to ensure all building codes and regulations mandated in *21 G.C.A. Chapter 67* of the Building Code.

8. **Automobile Parking Space.** The Applicant proposes to construct 70 parking stalls including 2 ADA accessible parking stalls within the proposed site. The Applicant's site plan stated only 29 parking stalls with

no parking dimensions specified. Therefore, the Bureau recommends the applicant to coordinate with Department of Land Management to ensure it meets the general requirements for this proposed project pursuant to *21 G.C.A. Chapter 61, §61531* and its provisions there under.

9. **Setbacks.** The Bureau recommends that proper setback requirements are followed to ensure the minimum yard and lot areas are established for "R1" One-Family Dwelling zone. The Bureau recommends the applicant coordinate with Department of Land Management (DLM) for compliance pursuant to *21 G.C.A. Chapter 61, §61501* and its provisions there under.

10. **Site Amendments.** Any future changes to the proposal shall first be reviewed and approved by GLUC prior to any actual changes pursuant to *21 G.C.A. Chapter 61, §61303(b).*

Therefore, should the application be approved, the Bureau recommends the Applicant to comply with the aforementioned conditions and to incorporate best management practices into the plans and implement those practices before and after construction of their project.

As government officials, it is our primary responsibility to ensure that the construction of buildings are in a manner designed to protect the public health, safety and to promote the public welfare and convenience. It is the Bureau's intent to ensure the balance of development with environmentally prudent use of coastal resources for current and future generations.

WILLIAM M. CASTRO

cc: GEPA
GWA
DPW
DPR
DoAg

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN

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

March 5, 2015

RECEIVED
MAR 12 2015
Department of Land Management
Time 2:55 Intl

MEMORANDUM

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

From: General Manager (Interim)

Subject: Lots 2-4 NEW-R6, Block 7, Tract 207, Ipan, Municipality of Talofofo, (Guahan Baptist Church); Conditional Use Application to construct a temporary steel building **Application No. 2015-05**

POSTED

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

A. 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 Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

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

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E.
Acting General Manager

ASG/arp

VFSR

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Guahan Baptist Church
Location: Lots 2-4 NEW-R6, Block 7, Tract 207, Talofofo

Type of Application: Conditional Use
GLUC/GSPC Application No. 2015-05
Brief Project Description:
To construct a temporary steel building.

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

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

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

   Yes ☐ No ☒

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager (Interim)

3/9/15
Date

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

ASG/arp

The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

RECEIVED
APR 14 2015
Department of Land Management
Time 9:00 AM

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

April 03, 2015

POSTED

MEMORANDUM

TO: Director, Department of Land Management (DLM)

FROM: Director

SUBJECT: Position Statement No. 2015- 05
Conditional Use on Lot No. 2-4NEW-R6, Block 7, Tract 207
Municipality of Talofofo, Guam

4-10-15

Buenas yan Hafa Adai!

The applicant, Guahan Baptist Church is requesting the above subject lot for a conditional use and proposed to construct a new 20' X 60' manufactured steel building made in U.S. and will be mounted on a concrete pad. The seating capacity will accommodate at least 100 adults and a room for mothers with infants. Parking lot will be designed for 70 stalls. The total lot area is approximately 9,845 square meters. The above subject property is located along Ipan, Talofofo.

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

- to revise the site development plan, reflect the existing trees fronting the property area and incorporate in your landscape design to make use of its physical and biological resources;
- incorporate an eco - green and energy efficient code as part of your design concept;
- parking layout and parking stalls (compact, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- adequate egress/ ingress must be coordinated with the Division of Highways (rights of way section);
- the wind load velocity must sustain 170 MPH and must be in conformance to the latest building code requirements; and
- if the owner chooses to use any solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way.

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

Dangkulu na Si Yu'os Ma'ase !

GLENN LEON GUERRERO

542 North Marine Corps Drive, Tamuning, Guam 96913 • Tel (671) 646-3131 / 3232 • Fax (671) 649-6178

ATTACHMENT B

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

EDDIE BAZA. CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 31, 2015

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2013-45C
Final Subdivision Application for Paradise Meadows Phase II, Tract 10402, Municipality of Yigo

1. PURPOSE:

a. **Application Summary:** The applicant, Eduardo G. Camacho, represented by FC Benavente is requesting approval of a Final Subdivision of Paradise Meadows Phase II, a thirty (30) lot subdivision consisting of twenty six ((26) Single Family residential lots, two (2) lots for public access and utilities right of ways, one (1) lot for a ponding basin and one (1) lot for open space (mail boxes) on Tract 10402 (formerly Lot 7128-3-3) in the Municipality of Yigo.

b. **Legal Authority:** Title 21, GCA, Chapter 62, Article 2, Section 62206; Article 4, Section 62402; Article 5, Section 62501 thru 62504, Subdivision Law and Title 18 Government Administrative Rules and Regulations, Chapter 3, Article 2, Section 3216, 3222 and 3223 Subdivision Rules and Regulations.

2. FACTS:

a. **Location:** The subject tract is located on the western side of Marine Corps Drive in the Mataguak area in Yigo with its' entrance located across the Yigo Gym/GAIN facility. Its' western boundary is across the the southeastern boundary of Paradise Meadows Phase I.

b. **Lot Area:** Total Lot area size prior to the subdivision is 18,945± Square Meters or 203,848± Square Feet or approximately 4.68 acres.

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

d. **Masterplan:** Rural Residential

e. **Previous Commission Action:** May 22, 2014 (Zone Change "A" to "R-1" and Tentative Subdivision)

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** June 23, 2015

b. **Date Heard By ARC:** na

c. **Public Hearing Results:** na

4. DISCUSSION:

As requested by the applicant on the Zone Change and Tentative Subdivision applications, the intent is for the development with full improvement of Paradise Meadows Phase II, consisting of twenty seven (27), single family residential lots, one (1) lot for a sign and community mail boxes and two (2) lots for public access and utility easement for a total of thirty (30) lots.

For the Final Subdivision, the applicant submits a new design concept of Paradise Meadows Phase II. In the new design concept, the subdivision still maintains a thirty (30) lot subdivision, now consisting of twenty six (26) single family residential lots, ranging in size from a low of 470± sm to a high of 616 ±sm., with Lot 1, Block 1, containing an area of 502± sm to be the ponding basin site, Lot 10, Block 1, containing an area of 409± is an open space lot for mail boxes, the remaining lots, Lot 1-R/W containing an area of 3,512± sm and Lot 2-R/W containing an area of 817± sm are public access and utilities right of ways.

The submission of this Final Subdivision Application is pursuant to §62504 of Title 21, GCA, Chapter 62, Subdivision Law. This particular section provides the procedures required to file a Final Subdivision Application for approval and are as follows:

"Time Allowed for Completion of Improvements".

Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the **improvements** required, except that the Commission, for good cause shown, may **authorized** an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:

A. Complete the required improvements and, upon acceptance thereof by the government, file his final plans; or

B. Furnish **bond acceptable** to the Commission for the completion of improvements, the bond to be in penal sum of **one hundred** fifteen percent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed.

The Applicant have secured a bond that is in the penal sum of 115% of the total work costs associated for the Civil Works and Infrastructure Improvements for Phase I and Phase II of the Paradise Meadows Subdivision.

The Performance Bond was issued by DONGBU INSURANCE COMPANY, Ltd., whose address is Suite 233 Julale Center, 424 West O'Brien Drive, Hagatna, Guam, 96910. The Performance Bond No. is KIC-13106-PF/PM and is for the amount of $2,560,000.00. Name of Contractor performing the project as shown in the Bond is: BASE CORPORATION, Address: P.O. Box 23903, GMF, Guam 96921.

Reference to the verification of the Director of Public Works, as required when a bond is furnished. We have consulted with Mr. Richard Untalan and he informed us that as accepted by DPW the Bond was included as part of the submission of documents for the Building Permit issued for the Phase 1 infrastructure and will also be included for Phase 11 permit application process. In addition, Mr. Untalan noted that the infrastructure construction is 95% completed and he will be present at the Commission meeting to explain the situation to the Commission.

RECOMMENDATION: Planning staff recommends Approval with conditions as specified on its May 22, 2014, Tentative Subdivision, Commission Approval; said conditions are noted in the Notice of Action dated May 22, 2014, recorded under Document No. 871052.

Marvin Q. Aguilar

Attachment: Notice of Actions

Case Planner: Marvin Aguilar

Department of Land Management Office of the Recorder

File for Record is Instrument No. 871052

On the Year 14 Month 10 Day 28 Time 2:39

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder _____

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

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

ORIGINAL COPY

NOTICE OF ACTION

May 22, 2014
Date

To: **Eduardo Camacho**
Represented by FC Benavente, Planners
127 Bejong Street
Barrigada, GU 96913

Application No. 2013-45B

The Guam Land Use Commission, at its meeting on **May 22, 2014**.

XX / Approved ___/ Disapproved ____/ Approved with Conditions

___/ Tabled

Your request for a tentative subdivision (TRI Paradise Meadows Phase II) for the purpose of constructing 27-single family residential units with full improvements on Lot 7128-3-3, in an "R1" (Single Family Dwelling) zone, in the Municipality of Yigo.

NOTICE OF ACTION Application No. 2013-45B
Approved Tentative Subdivision
Eduardo Camacho
Represented by FC Benavente, Planners
Lot 7128-3-3, in the Municipality of Yigo
GLUC Hearing of: May 22, 2014

ZONING

___/ Zone Change***

___/ Conditional Use

___/ Zone Variance

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

__XX__/ **Tentative**

___/ Final

___/ Extension of Time

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

___/ Other

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

____/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

____/ Other (Specify)

APPLICATION DESCRIPTION: The Applicant, Eduardo Camacho, property owner of Lot 7128-3-3, requested a tentative subdivision (TRI Paradise Meadows Phase II) for the purpose of constructing 27-single family residential units with full improvements on Lot 7128-3-3, in an "R1" (Single Family Dwelling) zone, in the Municipality of Yigo.

COMMISSION DECISION: The Guam Land Use Commission APPROVED the request for a zone change as described in this Notice of Action with the following conditions.

a. Applicant must adhere to subdivision requirements as provided pursuant to Title 18 of the Government Administrative Rules & Regulations (GAR), §3215 thru 3220;

b. Applicant shall adhere to timeline requirements as provided pursuant to Title 21GCA, Chapter 62, §62504, 62205 and 62209;

c. During the one year design period as noted on Title 21GCA, Chapter 62, §62205, the applicant shall maintain dialog with the Guam Chief Planner for direction and guidance;

d. In reference to Condition 5(c), any significant change in the conceptual plan to include an increase or decrease in the number of residential units, any change of easement design to cause re-alignment and/or reduction in width, and/or any significant change to element of the design as approved by the Commission shall require further consideration by the Commission to include re-submittal of a new tentative subdivision application;

e. Applicant must work with the CLTC to amend and agree upon the amendments of the 2012 MOU between the CLTC and TRI to include lots and then conditions of Paradise Meadows Phase II; and,

f. Applicant to take note and adhere to the Department of Agriculture's Agricultural Impact Statement dated May 19, 2014.

8/15/2014
Marvin Q. Aguilar Date
Guam Chief Planner

8/15/2014
Lawrence Rivera Date
Chairman, Guam Land Use Commission

Case Planner: Marvin Aguilar

Cc: Building Permits Section, DPW (Attn: Mr. Joseph Guevara)
Real Property Tax Division, Department of Revenue and Taxation

==========

CERTIFICATION OF UNDERSTANDING

I/We_____ / Felix C Benavente
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

_____ _____ 8/18/20
Signature of Applicant Date Signature of Representative Date

==========

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

_____ _____ 10/30/2014
Applicant **Date** **Representative** **Date**

APPLICATION NO. 2013-45A
LOT 7128-3-3
MUNICIPALITY OF YIGO

AMENDMENT NO. A-129 OF OFFICIAL ZONING MAP NO. F3-67S42

THIS SPACE FOR RECORDATION
Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 870964

On the Year 14 Month 10 Day 27 Time 1:30

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder

APPLICATION NO. 2013-45A

EDUARDO CAMACHO

FROM: "A" (RURAL-AGRICULTURAL)

TO: "R-1" (SINGLE-FAMILY RESIDENTIAL)

LOT NO: 7128-3-3

BLOCK NO. N/A

TRACT: N/A

MUNICIPALITY: YIGO

PLACE NAME: MATAGUAK

SCALE: N/A

AMENDMENT NO: A-129

ZONING MAP NO: F3-67 S42

ATTACHMENT 1

THE GUAM LAND USE COMMISSION,
AT ITS SCHEDULED HEARING ON MAY 22, 2014,
APPROVED WITHOUT CONDITIONS
THE ZONE CHANGE FROM "A" TO "R-1"
ON LOT 7128-3-3 IN THE MUNICIPALITY OF YIGO.

(✓) APPROVED IN WHOLE
( ) APPROVED IN PART
( ) DISAPPROVED

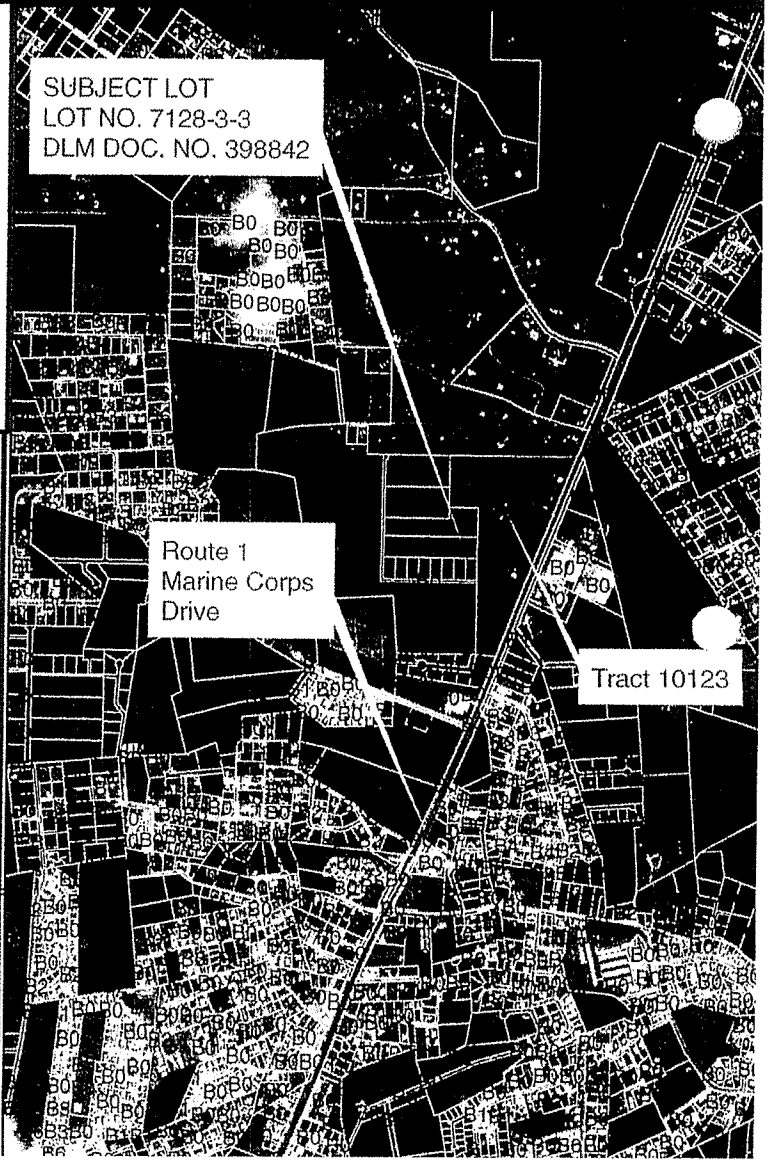
Lawrence R. Rivera 8-11-14

LAWRENCE RIVERA DATE
CHAIRMAN
GUAM LAND USE COMMISSION

( ) APPROVED IN WHOLE
( ) APPROVED IN PART
( ) DISAPPROVED

OCT 20 2014

EDDIE BAZA CALVO DATE
GOVERNOR OF GUAM



(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

May 22, 2014
Date

To: **Eduardo Camacho** **Application No. 2013-45A**
Represented by FC Benavente, Planners
127 Bejong Street
Barrigada, GU 96913

The Guam Land Use Commission, at its meeting on **May 22, 2014**.

XX / Approved ___/ Disapproved ____/ Approved with Conditions

___/ Tabled

Your request for **a zone change from "A" (Rural-Agricultural) to "R1" (Single Family Dwelling) for the proposed construction of 27 single family residential homes with full improvements on Lot 7128-3-3, in the Municipality of Yigo.**

Attachment 9

Application No. 2013-45A

ZONING

XX / Zone Change***

___/ Conditional Use

___/ Zone Variance

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

____/ Tentative

___/ Final

___/ Extension of Time

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

___/ Other

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

____/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

____/ Other (Specify)

APPLICATION DESCRIPTION: The Applicant, Eduardo Camacho, property owner of Lot 7128-3-3, requested a change of zone of the subject property from "A" (Rural-Agricultural) to "R1" (Single Family Dwelling) for the proposed construction of 27 single family residential homes with full improvements on Lot 7128-3-3, in the Municipality of Yigo.

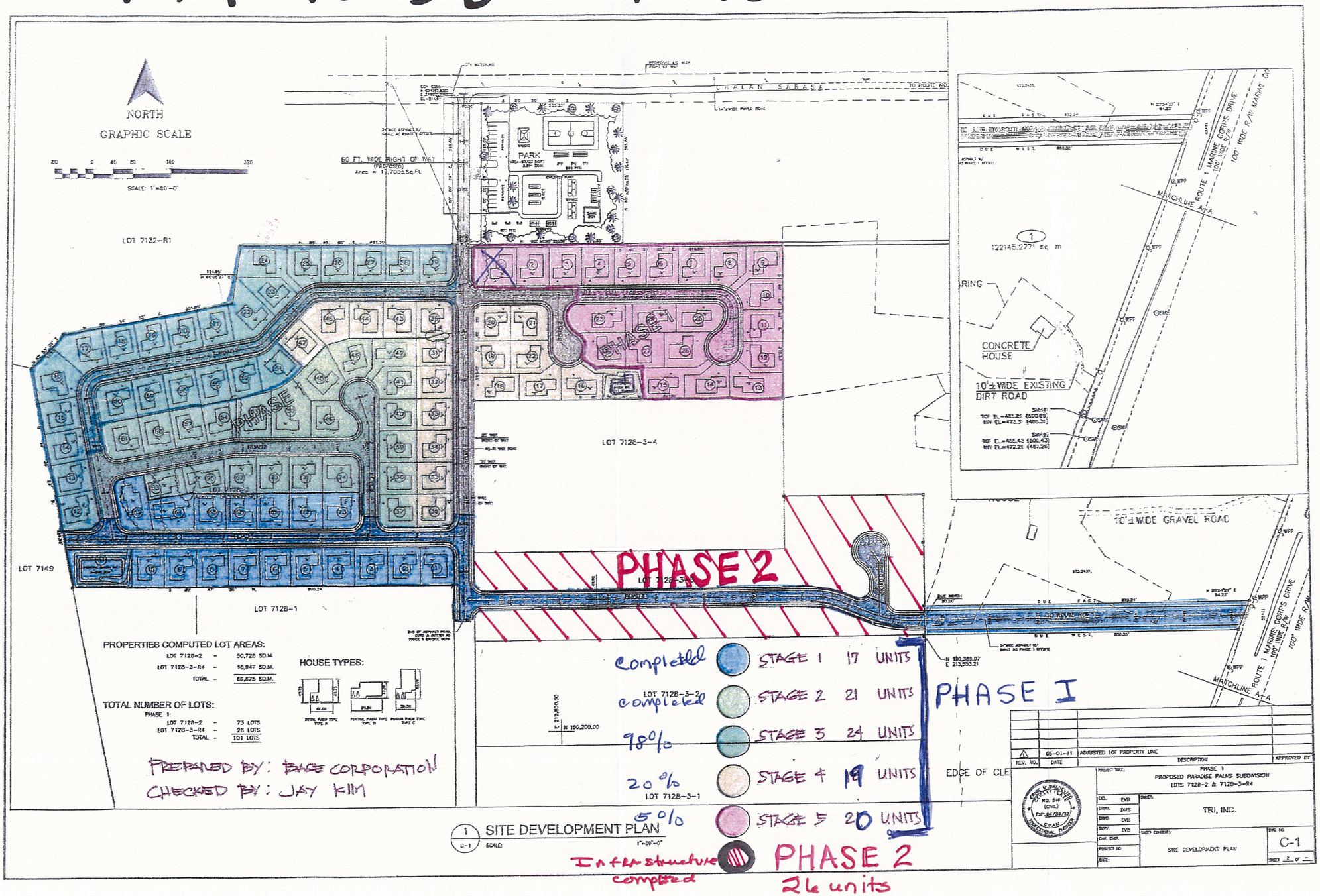
COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the request for a zone change as described in this Notice of Action with no restrictions or conditions.

Marvin Q. Aguilar	8/15/2014	**Lawrence Rivera**	8-15-2014
Guam Chief Planner	**Date**	**Chairman, Guam Land Use Commission**	**Date**

Case Planner: Marvin Aguilar

Cc: Building Permits Section, DPW (Attn: Mr. Joseph Guevara)
Real Property Tax Division, Department of Revenue and Taxation

PARADISE MEADOWS



STATUS AS of 9/10/2015

EXHIBITS

EXHIBIT 1

Talofofo Mayor's Office
The Honorable Mayor Vicente S. Taitague

Tel. 789-1421/3262 Fax. 789-5251
Email: talofofomayor@gmail.com
184 N. San Miguel St. Talofofo, GU 96915

RECEIVED
9.9.15

TALOFOFO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF TALOFOFO

VICENTE S. TAITAGUE, CHAIRMAN

Resolution No. 15-01

Relative to the Talofofo Municipal Planning Council, Supporting the intent construction and operations (Church service, Sunday school and related activities) of a purposed new temporary steel building for Guahan Baptist Church.

BE IT RESOLVED BY THE TALOFOFO MUNICIPAL PLANNING COUNCIL, MUNICIPALITY OF TALOFOFO

WHEREAS, The new facility will be situated on Lot 2-4NEW-R6, Block 7 Tract 207, Ipan, Talofofo, in and R-1 zone.

WHEREAS, Public hearing held at the Talofofo Youth Center, on July 14, 2015 at 6:00pm, received unanimous approval.

RESOLVED, That the Chairman of the Talofofo Municipal Council certify to and the secretary attest to the adoption hereof, and that copies be transmitted to; Department of Land Management, Department of Public Works, Bureau of Planning, Postal service, Guam Fire Department, Guam Police Department, Guam Power Authority, Guam Water Works, Guam Telephone Authority, Guam Cable T.V., and Governor of the Territory of Guam.

Talofofo Mayor's Office
The Honorable Mayor Vicente S. Taitague
Tel. 789-1421/3262 Fax. 789-5251
Email: talofofomayor@gmail.com
184 N. San Miguel St. Talofofo, GU 96915

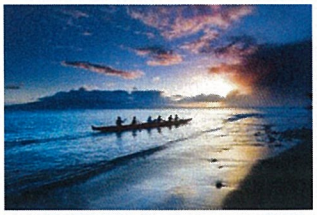
DULY RECORDED AND REGULARLY ADOPTED BY THE TALOFOFO MUNICIPAL PLANNING COUNCIL ON THE 24TH DAY OF JULY, 2015.

Vicente S. Taitague, Chairman

Beverly Joy Combo- Secretary

EXHIBIT 2

Joe John Mantanona
P. O. Box 4537, Hagatna, Guam 96932
Tel (671) 787 7702
joejohnmantanona@gmail.com



RECEIVED
9/10/2015
GB
Via email

SEPTEMBER 10, 2015

Larry Rivera
Chairman, GLUC

Tamuning, GUAM

Hafa Adai Larry,

I am writing in full support for the GLUC approval for the application submitted by Guahan Baptist Church.

As a resident of Ipan Talofofo, and in which my family is directly impacted by this proposed development, we fully support this application.

The commitment by this organization to provide a place to congregate for worship in addition to provide important and critical support to individuals, families and our community is most welcomed!

Please move this application forward with an immediate approval by your esteemed board.

Warm regards,

Digitally signed by Joe John Mantanona
DN: cn=Joe John Mantanona, o=Prolog Support, ou=Prolog Pacific Region, email=joejohn@prologsupport.com, c=US
Date: 2015.09.10 11:18:05 +10'00'

Joe John Mantanona

RESIDENT

EXHIBIT 3

Guahan Baptist Church Support Letter addressed to: Director, Michael Borja

Roland Quiambao <rolangie@gmail.com>

Tue 9/8/2015 11:29 PM

To:Celine Cruz <Celine.Cruz@land.guam.gov>;

Dear GLUC,

My name is Roland Quiambao, I am happily married to my wife Angie and have two beautiful girls. We are very much a part of our community as we run a grocery store in the wonderful village of Talofofo, aka "God's Country" ☺

I am writing this letter in regards to my support towards a new building that, God willing, will be approved and built for Guahan Baptist Church in the village of Ipan, Talofofo.

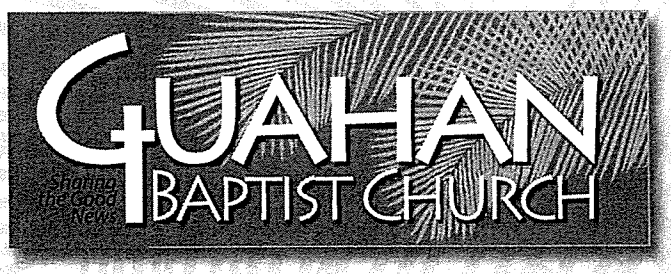
As a resident, I have my care and concerns for this community. I can't help but think of our people and the families we raise, the great gatherings we share together that is a big part of our culture, and of course within that, the hardships and dangers that are also present around us. But, it is the latter that seems to concern me most. Like everyone else, we all want a loving and trusting community. I've always trusted that what makes our lives filled with happiness, peace, and a positive influence towards others, is a healthy ongoing relationship with our Creator, our God. I believe that the best place to receive that relationship is with a God fearing, bible believing group of people who want to use that positive influence within their communities. To make that happen, a new building would be a great blessing for our community to gather together for fellowship to worship our Lord Jesus Christ.

So, it is in my hope and prayers that this building, which has been in plan for a few years now, would be a reality of Gods grace to His people.

Well, I hope this wasn't too much to read. But I want to truly thank you all (GLUC) for your time and efforts everyday in making our communities, our Island a better place to live.

A sincere gratitude, Roland Q

EXHIBIT 4



Received 9.8.15

September 8, 2015

To whom it may concern:

This site map for Guahan Baptist Church (Lot 2-4NEW-R6, Talofofo, Guam) has been adjusted because of 2 lines that were inadvertently drawn which seemed to indicate a boundary. This was incorrect and the lines are not indicated on any other map; it was simply a mistake. Lot 2-4NEW-R6 is one lot. Thank You.

Donald Eckert
Pastor, Guahan Baptist Church

100 FT R/W
100'-0"
CPP
KWHM
LOT 2-4NEW-R6
Talofofo
35'-2"
Guahan Baptish Church
Future Permanent Church
83'-4" x 60'-0"
134'-3"
24X47X3 LEACHING
10X10X8
SEPTIC
Guahan
Baptist
Church
TRASH
BIN
EXISTING
RESTROOM
30'-0"
REAR PARKING