

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
DLM Conference Room, 3rd Floor ITC Bldg., Tamuning, Guam 96913
Thursday, April 4, 2024 • 9:30 a.m. to 10:28 a.m.

I. Attendance/Roll Call

Acting Chairman Penmer Gulac called to order the regular meeting of the Application Review Committee for Thursday, April 4, 2024 at 9:30 a.m., noting a quorum.

Present were: Penmer Gulac (DLM), Mary Rose Wilson (DPW), Nonie Amar (GEPA), Christian Benitez (BSP), Yvonne Manglona-Juaneza (BSP), Jeffrey Quitugua (DoAG), Russell Kanai (DPR), Dan Guerrero (JRM), Planning Staff Frank Taitano, and Recording Secretary Cristina Gutierrez.

Excused – Chairperson Celine Cruz

II. Approval of Minutes

Acting Chairman Gulac before the members today are the Minutes from the last ARC meeting of Thursday, March 21, 2024. Members were provided with the draft via email for review and comments. Acting Chairman Gulac asked for a motion for action.

Russell Kanai, DPR made a motion to approve the Minutes of Thursday, April 4, 2024.

Nonie Amar, GEPA seconds the motion.

Acting Chairman Gulac accepts the motion made by DPR, and seconded by GEPA. Noting no discussion, errors, edits, or omissions, Mr. Gulac puts the motion to a vote with all members in favor of approval.

[Motion to approve the Minutes of March 21, 2024 was passed unanimously with a vote of 7 ayes, 0 nays.]

III. New Business

Conditional Use

- A. Application No. 2024-20, the Applicant, Rocky Mountain Precast, LLC represented by Daniel D. Swavely; requests a Conditional Use permit for the development and operation of a Temporary Workforce Housing Facility (TWHF), on Lot 11, Block 3, tract 11407, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano

Acting Chairman Gulac welcomed the applicant's representative to the meeting and turned the floor over to Mr. Swavely for a brief presentation for the members.

Dan Swavely representing Rocky Mountain Precast, LLC. Mr. Swavely comments that this temporary workforce housing facility is one of several before the ARC this year and there will be more to come up.

This facility will be located at the Pacific Industrial Park which is a ready-made, approved M-1 industrial park; with water, power and sewer already available.

The applicant is Rocky Mountain Precast, whose precast yard is located in Mount San Rosa in Yigo and another one is located across the street from this particular location. Mr. Swavely stated that it is a clean project and did not feel that this type of application should have to go through the conditional use process. There are no residences in the area; nonetheless, this is the way it has to be.

Acting Chairman Gulac turned the floor over to the members for questions or comments.

Mary Rose Wilson, DPW commented that Mr. Swavely had a lot of temporary housing projects that has gone through the ARC; and asked if this particular facility will be located in Yigo to which Mr. Swavely replied that this will be in Dededo located off of Route 3. Ms. Wilson added that she will conduct an inspection at the subject lot and provide her comments in the position statement.

Nonie Amar, GEPA noted that he's reviewed the application that he received from DLM. He added that he is familiar with this project. This was reviewed and approved a few years back by the owner Mr. Sadhwani. There was a lot of subdivision of the lot to accommodate companies in need to M-1 zoned property for warehouses, etc.

Mr. Amar added that there is a sewer line that was done by a contractor and recalled that the sewer line from each lot will be directed to a wet well and from there a pump will be used towards the easement to the back of the property, and a force-main, based on the elevation it will go to the manhole and flows to a manhole along Route 3. Mr. Amar asked if the proposed facility is already noted to sewer.

Dan Swavely replied that it was not, and will be connected based on the building permit plans that will show the utilities and will go through the permitting agencies.

Nonie Amar, GEPA under the Safe Drinking Water Act this type of development has been connected to sewer.

Dan Swavely explained that this facility will eventually be reverted back to a warehouse and this is the way workforce facilities are being built at this time. A warehouse is designed first with proper ingress/egress, etc.; and then, in-filled with temporary workforce housing facility.

Brian Hess, GWA commented that he had copies of the plans for the Pacific Industrial Park that shows the location of the subject lot. Mr. Hess asked if they intended to install a meter in front of the lot and connect.

Dan Swavely replied yes, that is the intention.

Russell Kanai, DPR remarked that DPR has no objection to this application. If any history artifacts are found that they be informed.

Dan Swavely responded that the entire area had already been cleared.

Jeffrey Quitugua, DoAG commented that he has reviewed the application and had a few items that he wanted to point out. One in particular is an area, known as a conduit for the Mariana Fruit Bat. This is more evident after the construction of the Military Base up north where there was a

lot of displacement of the fruit bats in the areas where they forage as a result of the clearing conducted at Camp Blaz. In the general area of the project site there are still a lot of forest areas and have seen some species that are still preferable for fruit bats in the area. One thing that DoAG would like to ensure is that as part of their design plan is to minimize the light pollution. Lighting does disturb the movement of the fruit bats.

The other issue is the endangered species and the native plants that are in existence in our forests. The plan should establish green space that will allow the planting of native trees that once existed in the area. The issue in their Bio Security division is the massive spread of the fire ants which a huge concern for agriculture because of the impact. Establishing a plan as part of their protocol to sanitize before going the project sites and returning to the facilities.

Dan Swavely in response to the light pollution, Mr. Swavely remarked that this is an easy project to comply with that request because it a very small parking lot since the workers come in and out with buses or vans so there is no need for large parking lots. Mr. Swavely added that he will pay special attention that the lights are turned off, with the exception for security purposes that will be written into their rules. And number two, the TWHF law requires landscaping, and will request from DoAG a list of recommended plants that they would like to see at this facility.

As for sanitizing for fire ants, Mr. Swavely would like more information on this plan can be established.

Christian Benitez, BSP commented that this area is located in the residential designated area according to the Northern & Central Guam Land Use Plan; however, they do understand that this specific industrial park has been approved along with the proper zoning. The standard conditions, similar to what was provided for the previous facilities will be noted in their position statement.

Dan Guerrero, JRM remarked that JRM stresses its encouragement for workforce development and it is appreciated. The island is undergoing expansion both in and out of Base.

Frank Taitano, Case Planner no comments.

Acting Chairman Gulac coordinate and interact with the agencies to move this application to the next process.

Dan Swavely asked for the indulgence of the committee. Mr. Swavely comments that he's been proactive in the processing of applications. If the process of applications is broken down between the pre-review of the application which moves quickly, moving to the ARC meeting pretty quickly; however, receiving of ARC position statements, disastrous. Once all position statements are received, it then it goes through the DLM public hearing and then to the municipal planning council which is done by a village by village basis, then to the GLUC.

Mr. Swavely feels that the area where it can be improved is the submittal of position statements. Members of the committee have done their position statements in a timely manner; however, the delay is waiting for the Director's signature, and this is the problem.

Mr. Swavely continues to explain how this can be improved perhaps by Director to Director communication by having Director Joseph Borja go to each Director. Mr. Swavely is asking to get, after each ARC meeting, a recap of each agency's comments and what the applications are and when they are due which is submitted to the Directors. Mr. Swavely asked if the Chairman could consider this.

Acting Chairman Gulac replied that it can be done through communication and follow-ups.

Frank Taitano addressed Mr. Swavely's remarks, and explained that when it comes to the ARC agencies providing position statements, they do have the privilege of thirty days (per public law) to submit a position statement as noted in the timeline on the agenda. They can also request for an extension to submit their statements. Additionally, the department has looked into this situation for sometime now. Mr. Taitano further commented that it would be appropriate for this division bringing up of this subject matter of having DLM Director to "nudge" other Directors.

[Discussion ensues]

Next item on the agenda –

Conditional Use

- B. Application No. 2024-12, the Applicants, Jeremy Ralph and Roisin Ralph; requests a Conditional Use Permit to allow the use of an existing single-family home for short-term vacation rental, on Lot 194-2-2-3, in the Municipality of Hagat, in an "R-1" (Single Family Dwelling) zone. Case Planner: Penmer Gulac

Roisin Ralph presented that the request is for a conditional use for a short-term vacation rental. Ms. Ralph notes that there are approximately over 200 short-term vacation rentals on Guam, and more than ninety-nine percent have not gone through this process; however, she and her husband want to ensure that the use is permitted.

It is a four bedroom, two bathroom house that has been running as a short-term vacation rental used by locals and the tourists. The neighbors have been approached and they have their support for the use. Ms. Ralph is asking for the members favorable review of their application.

Dan Guerrero, JRM had no comments.

Yvonne Manglona-Juaneza, BSP inquired how long they have been operating as a short-term vacation rental.

Roisin Ralph replied that coming towards the end of Covid she had traveling nurses staying there for a few months, and morphed into the locals staying there for weekends; possibly since 2022.

Yvonne Manglona- Juaneza, BSP commented that she was wanting know how much Ms. Ralph was familiar with short-term rentals, i.e., with the tenants, etc.

Roisin Ralph replied that she is very familiar, and that she was at the round-table for the Bill when it was introduced to the Legislature for short-term vacation rentals, to where she provided recommendations. She is aware that there is a huge need for these types of rentals on Guam. There are tourists that want the option to staying outside of the hotel zone. Ms. Roisin added that she has been managing short-term rentals since 2014, with great reviews and ratings. She added that she is familiar with these types of rentals, and asked if Ms. Manglona-Juaneza had any specific questions.

Yvonne Manglona-Juaneza, BSP replied that the parcel is within a hazardous area being so close to the ocean; and for the health and safety of the tenants, Ms. Manglona-Juaneza asked if there is a mitigation plan for typhoons.

Roisin Ralph commented that this is not a hazardous area but an ideal area as are all the hotels along Tumon which is right by the ocean. During the recent typhoon, Ms. Roisin remarked that they had no problems managing the situation. Visitors are provided information on the location of the residence, rules, safety information prior to their arrival.

Christian Benitez, BSP no comments.

Jeffrey Quitugua, DoAG comments that he has reviewed the application, and asked if there were any plans of future renovations or extending to the existing structure.

Roisin Ralph replied that they are leaving it as is; however, in the future, it is likely they will be adding a shade sail to the front and possibly at the back.

Jeffrey Quitugua, DoAG their major concern is that the applicants consult with DoAG for obtaining a list of contacts for specific detail information for any plans they have in the future for the structure.

[Brief discussion ensues on open space and planting of indigenous plants.]

Russell Kanai, DPR had no comments.

Brian Hess, GWA asked for confirmation if the residence is already connected to sewer and water and if there is an existing meter; and that there are no future plans to expand the existing structure.

Roisin Ralph responded yes, they are connected and have no plans for expansion.

Acting Chairman Gulac the residence is connected to sewer.

Nonie Amar, GEPA this is an existing single-family home that was purchased and converted to a STVR.

Roisin Ralph the house was purchased and renovated but it was not the plan to convert it to an STVR. They currently live in a rental in Malesso and purchased the house to live in it. Renovations were interior only because the house was in disrepair.

Nonie Amar, GEPA the plan shows that there is an outside water closet and asked "why is that."

Roisin Ralph when the property was purchased there was a toilet and shower in the closet; but, during renovation, the contractor removed the toilet and the shower, and is now empty. It is now empty and being used for storage. There are now plans to use it at this time and maybe even be demolished.

Nonie Amar, GEPA comments that it surprises him that there is a water closet outside of the footprint of the building, when in fact it was a single-family resident before it was purchased. The plumbing in the water closet should still be there.

Roisin Ralph it was the owners who lived at the house before purchasing it. The outside facility may have been added after the main house was built and was not too sure when it was built, but there is no plumbing at this time. There is a hose attached to the outside of the structure that can be used as a rinsing station before entering the main house.

[Lengthy discussion between Mr. Amar and the applicant ensues on the restroom facilities and the outside closet.]

Nonie Amar, GEPA noted that he will need to inspect to verify his concerns before submitting a position statement.

Mary Rose Wilson, DPW requested that the applicant submit a schematic layout/floor plan of the house with the dimensions of each of the rooms such as the living room, bedrooms, etc., and all comments will be noted in the position statement.

Acting Chairman Gulac reminded the applicant to continue to coordinate with the agencies to address their concerns so that position statements can be submitted in a timely manner.

Roisin Ralph expressed her appreciation to the members for their time and looks forward to receiving their comments.

IV. Approval of ARC Agenda

Acting Chairman Gulac noted for the record that there is no agenda for the next ARC meeting scheduled for Thursday, April 18, 2024; and, there is no tentative agenda for the April 25th GLUC meeting.

V. Administrative & Miscellaneous Matters

Acting Chairman Gulac noted that there were no administrative matters, and moved on to the next item on the agenda.

VI. Adjournment

Nonie Amar, GEPA made a motion to adjourn, seconded by Brian Hess, GWA. Acting Chairman Gulac accepts the motion and puts it to a vote with all in favor of approval. [Motion passed; 7 ayes, 0 nays]

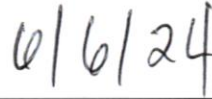
The regular meeting of the Application Review Committee for Thursday, April 4, 2024 was adjourned at 10:28 a.m.

Approved by:

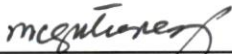
Date approved:



Penmer C. Gulac, Acting Chairman
Application Review Committee



Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

APPLICATION REVIEW COMMITTEE

Committee Attendance Sheet

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

MEETING: ☒ Regular Thursday, April 4, 2024 ☐ Special _____

Time: 9:30 AM Adjournment: 10:28 AM

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairperson)	<i>[Signature]</i>
2 DPW/CIP	(Member)	<i>[Signature]</i>
3 Guam EPA	(Member)	<i>[Signature]</i>
4 Bureau of Statistics & Plans	(Member)	<i>[Signature]</i>
Bureau of Statistics & Plans	(Member)	<i>[Signature]</i>
5 Department of Agriculture	(Member)	<i>[Signature]</i>
6 Guam Waterworks Authority	(Member)	<i>[Signature]</i>
Guam Waterworks Authority	(Member)	<i>[Signature]</i>
7 Guam Power Authority	(Member)	<i>[Signature]</i>
8 Department of Parks & Recreation-HPO	(Member)	<i>[Signature]</i>
9 Joint Regional Marianas	(Ex-Officio member)	<i>[Signature]</i>
10 Department of Chamorro Affairs	(Ex-Officio Member)	<i>[Signature]</i>
11 Guam Fire Department	(Ex-Officio Member)	<i>[Signature]</i>
12 Department of Public Health & Social Services	(Ex-Officio Member)	<i>[Signature]</i>
13 Guam Public School System	(Ex-Officio Member)	<i>[Signature]</i>
14 Guam Economic Development Authority	(Ex-Officio Member)	<i>[Signature]</i>

DLM Staff

Joseph M. Borja, Director

Celine Cruz, Chief Planner

Frank Taitano, Planner IV

Penmer Gulac, Planner IV

M. Grace Vergara, Planner IV

Sonoga Gogue, Planner III

Theresa D. Guevara, Planner II

Edward Sanchez, Planner I

M. Cristina Gutierrez, WPS II



Application Review Committee

Guam Land Use Commission/Guam Seashore Protection Commission
Department of Land Management

AGENDA

Thursday, April 4, 2024 @ 9:30 a.m.

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

TIMELINE FOR APPLICATION ON THIS AGENDA

Day #1 – April 4, 2024

Day #30 – May 4, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, March 21, 2024

III. New Business

Conditional Use

- A. Application No. 2024-20, the Applicant, Rocky Mountain Precast, LLC represented by Daniel D. Swavely; requests a Conditional Use Permit for the development and operation of a Temporary Workforce Housing Facility (TWHF), on Lot 11, Block 3, Tract 11407, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone.
Case Planner: Frank Taitano
- B. Application No. 2024-12, the Applicants, Jeremy Ralph and Roisin Ralph; requests a Conditional Use Permit to allow the use of an existing single-family home for short-term vacation rental, on Lot 194-2-2-3, in the Municipality of Hagat, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Penmer Gulac

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, April 18, 2024 [No Agenda]
B. GLUC Regular Hearing, Thursday, April 25, 2024 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairman Nonito V. Blas, Jr.
Commissioner Leilani R. Flores

Commissioner Ronald C. Pangilinan
Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
Lee Miller, Legal Counsel (OAG)

AGENDA - Tentative

Thursday, April 25, 2024 @1:30 p.m.

Department of Land Management Conference Room

3rd Floor ITC Bldg., Tamuning, GU 96913

[As advertised in the Guam Daily Post – April 18, 2024 & April 23, 2024]

Livestreamed on YouTube at Guam Department of Land Management Channel

- I. **Notation of Attendance/Roll Call** [☐] Quorum [☐] No Quorum
- II. **Approval of Minutes**
 - GLUC Regular Meeting Minutes of Thursday, April 11, 2024
- III. **Old or Unfinished Business [None]**
- IV. **New Business**
- V. **Administrative & Miscellaneous Matters**
- VI. **Adjournment**



Application Review Committee

Guam Land Use Commission/Guam Seashore Protection Commission
Department of Land Management

AGENDA – No Agenda

Thursday, April 18, 2024 @ 9:30 a.m.

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

TIMELINE FOR APPLICATION ON THIS AGENDA

Day #1 – April 18, 2024

Day #30 – May 18, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, April 4, 2024

III. New Business

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, May 2, 2024 [Tentative]
- B. GLUC Regular Hearing, Thursday, May 9, 2024 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment