

Application Review Committee Regular Meeting Minutes
DLM Conference Room, 3rd Floor, ITC Bldg., Tamuning, Guam 96913
Thursday, February 1, 2024 • 9:33 a.m. to 10:23 a.m.

I. Attendance/Roll Call

Chairperson Cruz called to order the regular meeting of the Application Review Committee for Thursday, February 1, 2023 at 9:33 a.m.

Present were: Chairperson Celine Cruz (DLM), Brian Hess (GWA), Christian Benitez (BSP), Russell Kanai (DPR), Nonie Amar (GEPA), Mary Rose Wilson (DPW), Frank Taitano (DLM), and Recording Secretary Cristina Gutierrez.

Noting a quorum for today's meeting, Chairperson Cruz proceeded to the next item on the agenda.

II. Approval of ARC Minutes

Chairperson Cruz before the members today is the approval of the Minutes from the last ARC meeting on Thursday, January 18, 2024. Members have been provided a copy for review, and Chairperson Cruz asked for a motion for action.

Russell Kanai, DPR made a motion to approve the Minutes of January 18, 2024.

Brian Hess, GWA seconds the motion.

Chairperson Cruz accepts the motion made by DPR and seconded by GWA. There was no discussion, edits or omissions, Chairperson Cruz put the motion to a vote with all in favor of approval.

[Motion carries, Minutes of Thursday, January 18, 2024 was approved; 5 ayes, 0 nays]

III. New Business

Conditional Use

- A. Application No. 2024-13, the Applicant, VG Gozum Construction LLC represented by Daniel D. Swavely; requests a Conditional Use Permit, to allow for the operation of its Temporary Workforce Housing Facility and proposed warehouse, on Lot 5224-7-2, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone.
Case Planner: Frank Taitano

Chairperson Cruz turned the floor over to the applicant's representative and asked that they state their names for the record and proceed with a brief presentation for the members.

Dan Swavely representing the applicant VG Gozum Construction, and with Mr. Swavely today was his associate, Kyle Borja.

Mr. Swavely comments that there will be a lot of temporary workforce housing facilities coming up. This will be the fifth one that he has represented and three (3) more coming for major contractors.

Mr. Swavely added that he was elated that temporary workforce housing has evolved a bit from the old days and this was the reason why he provided a history of workforce housing in the transmittal. In previous years, the housing facilities were run by Chinese contractors, and after visiting these barracks by invitation, he found them to be in terrible condition. He further added that he is happy that as a government it has evolved to where set standards have been implemented for the workers such as minimum square footage, recreational facilities, internet lounges, etc. Mr. Swavely expressed his appreciation to the Chief Planner and Land Management for taking the lead on this, and to ARC for their input, to keep making workforce housing a better type of facility for workers.

He added that the other thing that is happening with workforce housing, and now in working with contractors about workforce housing, advises his clients to design a warehouse first because this is what this structure will be in about ten years. As planners, there is a need to see an end use for the structures. He continues to explain that agencies will probably see building permits come through before these workforce housing conditional uses are approved.

This facility, which is smaller in size, is located in a good neighborhood with several other facilities including Orion, LMS, and Ian Construction within a quarter of a mile of this site. Mr. Swavely has received good reception from the Mayor's Office, and has also reached out to the neighbors who are acceptable to the facility. His client will provide free bus service for the workers in the evening to shopping centers, etc., and Saturday/Sunday bus service to work and to Sunday services. These are the types of amenities that will keep workers in place and out of trouble. In every application that Mr. Swavely has submitted, there are house rules that are included to which his clients have agreed with, and added that the rules are very restrictive, and breaking them will not be tolerated.

There was a previous application for VG Gozum that has gone through the ARC for apartment structures in Yigo; that has already been declared that half of the units will be utilized/occupied by H-2 workers (for Gozum). And as mentioned previously, Mr. Swavely stated that three more applications will be going through the process, one of which is for Gozum in the Tumon area. It's an existing warehouse in an M-1 zone.

They have put in ingress/egress, utilities are available in the area, and an undeveloped lot at this time; topography is a bit difficult to work with but they will make it work.

In closing, Mr. Swavely remarked that he is looking forward to the members' input and the timely submission of the position statements.

Chairperson Cruz started the round-robin of questions and/or comments from the members.

Brian Hess, GWA stated that he has reviewed the application. Mr. Hess emphasized that the applicant contacts at least six months before the submittal of the building permit application as they need time to assess that the area can accommodate the demand for water and wastewater for the project.

Dan Swavely replied that the demand for water and wastewater was already included in the application, and this was the purpose of an impact analysis. Mr. Swavely is hoping that this would give GWA some idea of what they are going to be asking for and asked if GWA would like the information to be re-packaged in a different manner other than what was in the application so that they can begin reviewing their request.

Brian Hess, GWA stated that what was included in the application was acceptable; however, at the starting point when the design process begins, it is always best to discuss the design with the agency.

Christian Benitez, BSP stated that at this time he did not have any concerns with the application, and was still reviewing it. Mr. Benitez added that if there were any questions or concerns, he would contact Mr. Swavely.

Dan Swavely thanked Mr. Benitez for his comments and added that the Bureau is the only agency that has the purview of the economics of the island.

Russell Kanai, DPR the project is straightforward, but during the permit process, an inspection will be conducted.

Nonie Amar, GEPA commented that he has reviewed the package and had no comments with the exception that the sewer line is quite a distance from the project site. GWA's certification stated that there is an 8-inch sewer line, and GEPA requires 200-feet.

Brian Hess, GWA remarked that as of right now he was looking at almost 560 feet from the site. This would be an off-site improvement at the cost of the developer.

Nonie Amar, GEPA water is no problem, and there are houses at the end of the road on Pedro L.G. Benavente Street. On another note, Mr. Amar commented on food service for the workers and asked if meals would be catered, and if cooking would be done onsite.

Dan Swavely replied that this was the subject of a lot of discussion with clients about food service. This is three meals a day and two snacks that have to be produced for the workers. They have had some very good experiences with meals being catered; Rambie's being one of them, and other contractors have petitioned H-2 cooks to prepare food for the facility. Mr. Swavely stated that the food would be catered.

Nonie Amar, GEPA stated that the reason why he raised the point was because it was mentioned in the application that it would be catered. Mr. Amar also reviewed the building plan and it does not show a kitchen.

Dan Swavely reiterated that food service will be catered with space for a food prep area.

Brian Hess, GWA emphasized that they should also consider fire protection in their designs which is an important aspect of the design. If the fire system does not have adequate fire flow the applicant will need to look into a backup fire protection system.

[Discussion ensues]

Mary Rose Wilson, DPW commented that a kitchen has already been mentioned because of Public Health, transportation, and parking areas, because they usually provide buses for the workers (SIC).

Dan Swavely replied that most contractors are moving away from buses and transitioning to vans.

Mary Rose Wilson, DPW in closing, Ms. Wilson stated that a site inspection will be done, and all comments will be noted in the position statement.

Frank Taitano, Case Planner brought to the attention of Mr. Swavely and ARC members regarding the applicant's comment on Core Tech's 18,000 approved number of beds. As of this date, Mr. Taitano stated that the number will drop down to approximately 5,000 which is a more realistic figure. He added that the Chief Planner and Planner Sonny Gogue are working on a more accurate matrix number.

Chairperson Cruz Madam Chair added that the number of approved beds is at about 23,000 under the Guam Land Use Commission through its previous actions. 18,000 of that number is with Core Tech; however, they were only approved for 600 beds due to the infrastructure in that area. By Core Tech dropping their number down from 18,000 to 5,000 that will take out about 13,000 beds, but it is still not a realistic number.

Planning has received an update from the Department of Labor that has tracked on Guam as of January 22, 2024, 5,274 workers on the island. Of the 23,000 minus 600 that were approved plus the other 3,000 in facilities, there are about 2,000 temporary workers that are not in workforce housing facilities.

[Discussion ensues]

Chairperson Cruz extended her appreciation to Mr. Swavely for presenting an application that accommodates all of the requirements of temporary housing.

Dan Swavely replied that the history in the application answered a lot of questions, and he will be repeating that history for two of the next three applications that will be submitted. He thanked the members for being present today and asked that they submit their position statements promptly.

On another note, Mr. Swavely asked Chairperson Cruz if he could address another issue to which Chairperson Cruz agreed.

Mr. Swavely stated that the subject was for shooting ranges. This is a committee of experts at this meeting and wanted the members' comments on this subject. There are tens and thousands of gun owners on Guam, and there is not a single public shooting range available. There will be illegitimate shootings that will eventually happen because there is no public place for people to shoot. Mr. Swavely further comments that this will then be brought to the Legislature, and a senator will put together a not-so-well-written Bill that does not address land use, shooting safety, etc.

As land use planners, there is a need for this and how should it be handled. Mr. Swavely asked the members if their agencies had any pre-dispositions regarding public shooting ranges that he should be aware of, and added that he did not have a client nor a property in mind; but, will have both before long. He closed by asking the members if there was something else that the Guam Land Use planning regulators, sitting at this table today, have in their mind, that he should know about.

Chairperson Cruz responded that in the department's dealing with the JTM Benchrest shooting range who originally received an approved conditional use permit to operate an outdoor firing range with conditions. The company was inactive for some time, and during this inactivity, a community rose around it. When they reopened, the community that grew around this inactive

shooting range was up in arms because there was this land use that was no longer compatible with the area.

In the department's review of this license, which did not go through Land Management to get the proper approvals; and in reviewing this with the Attorney General's Office before a conclusion was reached, outdoor firing ranges would be a conditional use in an M-2 zone, a heavy industrial zone where you can expect noise, vibration, dust, and fumes, etc. from activities; but also under a conditional use, framing the safety aspect of it. It is not what the public wants to hear, but what came out of the JTM issue was the safety of the public, the safety of the shooters, and the community that surrounds this particular activity.

In any other zone, a shooting range as an accessory to any other activity; there are planned unit developments where there are large areas of land, with required open spaces and designated land uses, Madam Chair Cruz stated that she sees shooting ranges in this type of zoning.

[Lengthy discussion ensues]

Chairperson Cruz thanked Mr. Swavely for being at today's meeting and moved on to the next item on the agenda.

IV. Approval of ARC Agenda

Chairperson Cruz members were informed that there were no agenda items for the next meeting and there would be no meeting.

Additionally, there is no agenda prepared for the February 22nd GLUC meeting, and the Chairperson stated that there will be no meeting on February 22nd. Additionally, all applications that are ready for the review of the Commission were placed on the February 8th agenda. There are five items on the agenda; other applications are awaiting MPC resolutions before being scheduled for the February 22nd meeting.

Next item on the agenda –

V. Administrative and Miscellaneous Matters

Chairperson Cruz asked if there were any administrative or miscellaneous matters for discussion.

Christian Benitez, BSP commented that they are planning a Guam Forestry summit for February 22nd and 23rd, and will be extending the invitation to the members.

Brian Hess, GWA inquired what happened to the shooting gallery that was located in Tumon.

Chairperson Cruz replied that shooting galleries are different from shooting ranges. Shooting galleries are generally indoor with targets that move and shooting ranges are open ranges for shooting.

With JTM Benchrest, in the late 1980s, and early 1990s another company appeared before the Land Use Commission and at the time in the area, there were no houses (Munoz area off of Route 3). It was a family-owned property and the person who represented the application was a Munoz who was with the Guam Police Department and collaborated with Sportsland and wanted to open up a range in this particular area. It started as a fire range that was approved and a few years

later they wanted to include a dune-buggy trail which was not approved. They also came in for a conditional use permit for the retail operation of a souvenir shop.

The range was in operation for a few years before closing for whatever reason and was dormant for some time. Down the road, another company wanted to open a range and was aware that this property had already received approval from the Land Use Commission.

When this company came through for permits through the Planning Division, the Department did not sign off on their permit for the reason that, although there was a previous approval for a conditional use that ran with the land, and because the original Notice of Action did not have an expiration date, the conditions placed on the original approval still had to be met. What the company did was they bought out the name and the shares and reorganized themselves as the original Sportsland company operating as JTM Benchrest; they reactivated their business, paid the fees, received approval for the business license, and resumed their operation without going through the government review again like they would have today and this is how they were able to operate for a couple of years before the government got wind of their operation. The only recourse that the Department had was to have Revenue and Taxation state that the company would have to go through all the required inspections before renewing its license.

[Discussion ensues]

Russell Kanai, DPR commented that there was another shooting range in Mangilao, and asked if it was run by the government.

Chairperson Cruz responded that it was next to GCC run by the government and is an accessory to GCC which does the law enforcement academy.

Christian Benitez, BSP inquired if this range was open to the public.

Chairperson Cruz replied that she was not sure, but there are one or two shooting galleries that are still in operation in Tumon but are indoors with targets.

[Lengthy discussion continues on shooting ranges]

Chairperson Cruz noting there was no further discussion or business before the committee, Madam Chair was ready to entertain a motion for adjournment.

VI. Adjournment

A motion to adjourn today's meeting was made by Nonie Amar (GEPA) and seconded by Brian Hess (GWA).

Chairperson Cruz accepted the motion made by GEPA, seconded by GWA; and put the motion to a vote with all in favor of adjournment.

The motion was passed unanimously with a vote of 6 ayes, 0 nays.

The regular meeting of the Application Review Committee for Thursday, February 1, 2024 was adjourned at 10:23 a.m.

Approved by:

Date approved:



Celine L. Cruz, Chairperson
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, February 1, 2024 ☐ Special _____

Time: 9:30 AM Adjournment: 10:20 AM

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairperson)	
2 DPW/CIP	(Member)	Maryann Wilen
3 Guam EPA	(Member)	NONIE L. AMAR, PE
4 Bureau of Statistics & Plans	(Member)	Christian Benitez
Bureau of Statistics & Plans	(Member)	
5 Department of Agriculture	(Member)	
6 Guam Waterworks Authority	(Member)	Brian W. Hess
Guam Waterworks Authority	(Member)	
7 Guam Power Authority	(Member)	
8 Department of Parks & Recreation-HPO	(Member)	Russell Cana
9 Joint Regional Marianas	(Ex-Officio member)	
10 Department of Chamorro Affairs	(Ex-Officio Member)	
11 Guam Fire Department	(Ex-Officio Member)	
12 Department of Public Health & Social Services	(Ex-Officio Member)	
13 Guam Public School System	(Ex-Officio Member)	
14 Guam Economic Development Authority	(Ex-Officio Member)	

DLM Staff

Joseph M. Borja, Director _____

Richard B. Arroyo, Deputy 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, February 1, 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 – February 1, 2024

Day #30 – March 1, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, January 18, 2024

III. New Business

Conditional Use

- A. Application No. 2024-13, the Applicant, VG Gozum Construction LLC represented by Daniel Swavely; requests a Conditional Use Permit, to allow for the operation of its Temporary Workforce Housing Facility and proposed warehouse, on Lot 5224-7-2, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, February 15, 2024 [No Agenda]
B. GLUC Regular Hearing, Thursday, February 22, 2024 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



Application Review Committee

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

AGENDA - Tentative

Thursday, February 15, 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 – February 15, 2024

Day #30 – March 15, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, February 15, 2024

III. New Business

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, March 7, 2024 [Tentative]
- B. GLUC Regular Hearing, Thursday, March 14, 2024 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



GUAM LAND USE COMMISSION

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

Commissioner (Vacant)
Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
Kristan K. Finney, Legal Counsel (OAG)

AGENDA – Tentative

Thursday, February 22, 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 – February 15th, 2024 and February 20th, 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, February 8, 2024

- III. **Old or Unfinished Business [None]**

- IV. **New Business [None]**

- V. **Administrative & Miscellaneous Matters**

- VI. **Adjournment**