GOVERNMENT OF GUAM – Department Office of the Recorder	t of Land Management 1011457
File for Record is Instrument Number _	1011407
on the Year 20 25 Month 08	Day 19 Time 1:15PM
Recording Fee DE-OFFICIO	Receipt No. DE-OFFICIO
Deputy Recorder: Eugene M. De	Vera

Above Space for Recorder's Use only



GUAM-HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management



Thursday, July 24, 2025 1:34 p.m. to 2:45 p.m.

GUAM-HYBRID LAND USE COMMISSION SPECIAL MEETING Thursday, July 24, 2025 • 1:34 p.m. to 2:45 p.m. Department of Land Management Conference Room 3rd Floor, ITC Building, Tamuning, Guam

GLUC MEMBERS PRESENT:

Dr. Anita B. Enriquez, Chairperson

Mr. Ronald C. Pangilinan, Vice Chairman

Ms. Leilani R. Flores, Commissioner

Mr. Gerald Yingling, Commissioner

Mayor Louise Rivera, Tamuining

Mayor Richard Arroyo, Agana Heights

STAFF PRESENT:

Ms. Rossana D.S.M. Tiston, Deputy Director

Mr. N. Lee Millr, Jr., Legal Counsel

Ms. Grace Vergara, Planner IV

Ms. Sonny Gogue, Planner III

Mr. Kyle Meno, Teleprocessing Network Coordinator

Ms. Cristina Gutierrez, Recording Secretary

[Mr. Joseph M. Borja, Executive Secretary – Excused]

GUAM LAND USE COMMISSION GUAM HYBRID LAND USE COMMISSION

Attendance Sheet

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

THURSDAY, July 24, 2025 Time of Meeting: GLUC: 2:49 GHLUC: 1:34 pm	X GLUC X GHLUC X Regular X Regular Special ✓ Quorum No-Quorum No-Quorum No-Quorum
COMMISSION MEMBERS	SIGNATURE
Chairwoman Anita B. Enriquez	
Vice Chairman Ronald C. Pangilinan	pa pit
Commissioner Leilani R. Flores	
Commissioner Gerald P. Yingling	63
Mayor Louise Rivera, Tamuning	- Alan
Mayor June Blas, Barrigada	
Mayor Richard Arroyo, Agana Heights	(han
Mayor Michael Gumataotao, Hagatna	
STAFF	
Joseph M. Borja, Executive Secretary	
Rossana D.S.M. Tiston, Deputy Director	Boy Alliga Jis -
N. Lee Miller, Jr., Legal Counsel (OAG)	4 m
Celine L. Cruz, Chief Planner	Omm
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	_ A
M. Grace Vergara, Planner IV	ba was
Sonny Gogue, Planner III	6 8 Supri
Theresa Guevara, Planner II	
Edward Sanchez, Planner I	
Kyle Meno, TN Coordinator	July more
M. Cristina Gutierrez, Recording Secretary	mountain when
CLUC: 2:51m CHI IIC: 2:45	Terril Control

ADJOURNMENT

GLUC: a:51mm |GHLUC: 2:45mm

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISION GUAM-HYBRID LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

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

GLUC	X Regular Date: THURSDAY, JU	LT 24, 2023
GHLUC	X Special Time: 1:34 pm / 2:4	mas
Quorum	No Quorum Adjournment: 2:45pm	12:51pm
(THIS RECORD WILL BE U	ISED IN THE TRANSCRIPTION OF THE GLUC/GS	PC MINUTES. PLEASE
PROVIDE YOUR FL	ILL NAME AND WHO YOU REPRESENT, I.E., ITEI	I ON AGENDA.)
LEASE PRINT NAME CLEARL	APPLICATION NAME AND/OR NUMBER	Telephone No.
SWAVELY	axa vicea	688-8629
)

GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

GUAM LAND USE COMMISSION GUAM-HYBRID 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

Х	G	LUC [X Regular		HURSDAY, JULY 24	
V	₫ Gŀ	HLUC [Special	Time:	2:51 pm /2	
V	Qu	iorum	No Quorum	Adjournment:	2:51 pm /2	:45 pm
PLEASE PRINT	NAME C	LEARLY	APPLICATION	ON NAME AND/OR N	UMBER	Telephone No.
GLUC Form 21 - G	LUC Public	Attendance	Record Form - APF	RIL 2010		

GUAM CHARLES

GUAM HYBRID LAND USE COMMISSION

Chairperson Anita B. Enriquez
Commissioner Leilani R. Flores
Commissioner Ronald C. Pangilinan

Commissioner Gerald P. Yingling Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
N. Lee Miller, Jr., Assistant Attorney General, Legal Counsel

AGENDA

Thursday, July 24, 2025 @ 1:30 p.m.

Department of Land Management Conference Room

3rd Floor, ITC Building, Tamuning, Guam 96913

[As advertised in the Guam Daily Post on July 16th and July 22nd, 2025] Livestreamed on YouTube at Guam Department of Land Management Channel

I.	Notation of Attendance	[] Quorum	[] No Quorum
II.	Approval of Minutes		

- GHLUC Regular Meeting Minutes, June 12, 2025
- III. Old or Unfinished Business [None]
- IV. New Business

Tentative Subdivision

- A. <u>Application No. H2025-43</u>, the Applicant, Blue Ocean Investment LLC represented by Daniel D. Swavely; requests a Tentative Subdivision for the construction of the Oka Villas Subdivision, a fully improved subdivision with thirty-eight (38) single family dwellings, on Tract 13402 (formerly Lot 2148-3-R8), in the Municipality of Tamuning, in an "R2" (Multiple Dwelling) zone. Case Planner: Grace Vergara
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

GUAM HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES

Thursday, July 24, 2025 • 1:34 p.m. to 2:45 p.m.

Department of Land Management Conference Room

3rd Floor, ITC Bldg., Tamuning, Guam 96913

[As Advertised in the Guam Daily Post on July 16th and July 22nd, 2025]

Livestreamed on YouTube/Department of Land Management Channel

I. Notation of Attendance

Chairperson Anita Enriquez called to order the regular meeting of the Guam Hybrid Land Use Commission for Thursday, July 24, 2025, at 1:34 p.m.

Present were: Chairperson Anita Enriquez, Vice Chairman Ronald Pangilinan, Commissioner Leilani Flores, Commissioner Gerald Yingling, Mayor Louise Rivera, Mayor Richard Arroyo, Deputy Director Rosanna Tiston, Legal Counsel Lee Miller, Guam Chief Planner Celine Cruz, Planning Staff Grace Vergara, Sonny Gogue, Kyle Meno, and Recording Secretary Cristina Gutierrez.

Chairperson Enriquez confirmed a quorum and announced that today's meeting was being livestreamed on YouTube at the Guam Department of Land Management channel.

II. Approval of Minutes

<u>Chairperson Enriquez</u> before the members today, is the approval of the Minutes from the last Guam Hybrid Land Use Commission meeting that was held on Thursday, June 12, 2025. Members were emailed the draft of the Minutes, and they have been reviewed. Madam Chair asked for a motion for action.

<u>Vice Chairman Pangilinan</u> made a motion to approve the GHLUC Minutes of Thursday, June 12, 2025.

Commissioner Flores seconds the motion.

<u>Chairperson Enriquez</u> acknowledged and accepted the motion made by Vice Chairman Pangilinan and seconded by Commissioner Flores. There were no errors, edits, omissions, or discussion. Madam Chair put the motion to a vote, with all in favor of approval. [The motion passed unanimously with a vote of 6 ayes and 0 nays]

III. Old or Unfinished Business [None]

IV. New Business

Tentative Subdivision

A. Application No. H2025-43, the Applicant, Blue Ocean Investment LLC represented by Daniel Swavely; requests a Tentative Subdivision approval for the construction of the Oka Villas Subdivision, a fully improved subdivision with thirty-eight, single family dwellings, on Tract 13402 (formerly Lot 2148-3-R8), in the Municipality of Tamuning, in an "R2" (Multiple Dwelling) zone. Case Planner: Grace Vergara <u>Chairperson Enriquez</u> welcomed the applicant's representative to the meeting, asked them to state their names for the record, and to proceed with their presentation.

<u>Dan Swavely</u> (with associate Kyle Borja) Mr. Swavely remarked that, after his presentation that he had extra comments that he would like to make before concluding his presentation.

Mr. Swavely presented that this is a 38-house subdivision that is located just north of Rosie's Apartments and pointed out the location of the subject lot (a vicinity map displayed on the monitor). There is an unnamed easement, and in red is an undeveloped six-acre parcel.

The application came before the Commission in 2022. It is the same application and project, and was approved by the Commission. Mr. Swavely stated that the applicant failed to timely file for an extension before the infrastructure was in place or before the applicant could post a Bond for the infrastructure, and never went to the final application. It was subsequently cancelled.

The project is the same, except for two changes; the first is that Mr. Swavely added a traffic impact analysis for Public Works, and secondly, he correctly acknowledged the fact that the project will be more than three million dollars in cost, triggering the need for a Hybrid Commission.

The next slide was the subdivision layout, which is standard by Guam's rules and regulations. There is a 40-foot wide active road throughout, paved streets, sidewalks, stormwater collection and percolation basin, playground, utilities which will be underground, and accessed by the unnamed easement with ingress and egress at both Farenholt and Carlos Camacho Roads.

There are three model houses, and each unit will be the same, with 2,808 square feet. Each house will have two stories, a two-car garage, a kitchen, dining room, family room, living room, and several configurations of bedrooms and baths. This would be the only difference among the three models.

The next slide was perspective drawings of what the developer would like the units to look like with very minor changes. The next few slides were additional perspectives of street scenes.

Mr. Swavely explained that the reason this went from under three million dollars to well over three million dollars is that the developer will also be constructing the houses. The houses will be expensive, and the expected market rate is in the range of a million dollars (give or take). The developer feels that there is a market for these homes. The houses are expected to be built in a couple of phases. Should the application be approved today, they will immediately secure a bond for 115% of the Public Works approved cost estimate for the infrastructure, and Mr. Swavely expects to return to the Commission with the bond for the final subdivision application; and thereafter, proceed with the infrastructure improvements. Housing construction could begin in about one year based on this timetable.

Mr. Swavely opened the floor for questions.

Commissioner Yingling asked if this subdivision would be a gated community.

<u>Daniel Swavely</u> replied that it would not be a gated community. He added that gated communities are popular, but this will be the only subdivision that will not be gated.

<u>Chairperson Enriquez</u> commented that the question had been asked in the first approval in 2022, and Madam Chair said that she was surprised that the developer had no intent to have the subdivision gated, given the location of the project site and the value of the development.

<u>Commissioner Yingling</u> stated that he had no questions; however, if the Chair would indulge him, he had a few comments of his own when it was appropriate to do so.

Chairperson Enriquez turned the floor over to the Commission for questions for Mr. Swavely.

Mayor Arroyo commented that it will be a beautiful subdivision.

<u>Daniel Swavely</u> had additional follow-up comments for the Commission. Mr. Swavely stated that he is aware that it is the Board's practice to require the applicant to abide by all ARC agencies' conditions of approval. He added that he wanted to express concerns over three agencies that have conditions of approval that he believes are both unauthorized on the agencies' part and unreasonable.

The first is that the Department of Public Works is requesting that the applicant provide a traffic study, which has already been done, and it is included in the application (Exhibit 6), and there will be no new traffic study provided.

The second is from the Bureau of Statistics and Plans, in their position statement, had three conditions of approval; "at least fifteen percent (six units) of the thirty eight proposed homes shall be designated as affordable housing units for households earning 80 percent to 120 percent of the AMI (Area Median Income) in alignment with the Northern/Central Guam Land Use Plan." Mr. Swavely said that he did the math on what is affordable housing and what is not, and what AMI on Guam can afford to buy, and stated that it was not possible to achieve. He feels that BSP does not have the authority to demand this condition, and asked that this condition be removed as part of the approval.

Lastly, from the Department of Agriculture; first, "if clearing is to occur, six to eight inches of top soil must be preserved and designated for agricultural use, and secondly, the vegetation must be cleared and the material must be mulched on site and made available to the community." Mr. Swavely reviewed DoAG's statutory authority and nowhere in their authority that they have the power to make that demand. Mr. Swavely is asking the Commission to overlook this condition. The developer will try to keep the topsoil for agricultural use, and most of the time it is kept for the development's use for landscaping. They will try to mulch on-site and make it available to the community, and he will coordinate this with the Mayor of Tamuning.

Chairperson Enriquez any comments or questions for Mr. Swavely.

<u>Mayor Arroyo</u> commented that he is sure that the Mayor of Tamuning will echo his comment that the villages are dealing with vandalism, especially in Tamuning.

<u>Daniel Swavely</u> Mr. Swavely responded that if there was a "sticking point," that the houses won't sell unless the subdivision is gated. There will be a guardhouse and a full-time guard, and he believes that this will be what will happen. But at this time, the developer does not have any plans to gate the project.

<u>Mayor Rivera</u> thanked Mr. Swavely for the presentation. Mayor Rivera commented that this is the first time that the community is officially hearing about the project. She added that in the past,

it was not brought to the Municipal Planning Council or any community meetings. After hearing the presentation and seeing the beauty of the development and homes that will be built, Mayor Rivera said that they welcome a lot of wonderful development in Tamuning versus vacant properties that are being used by squatters. Mayor Rivera will continue to inform the Tamuning community and all of the residents who will be affected by this project in some way.

<u>Daniel Swavely</u> replied to Mayor Rivera that it is an "idiosyncrasy" that tentative subdivision applications do not go through the hearing process. Mr. Swavely added that he will commit to the Mayor that he will always bring future projects to the MPC, whether a public hearing is required or not.

Commissioner Yingling stated that anything he states today has no reflection on the Mayor of Tamuning. He remarked that the Blue Ocean concept is quite nice from what he has seen and should be welcomed; however, since he is about 300 or 400 meters from the project site, he had some observations, and part of it has to do with the Guam Land Use Commission. He stated that this is the first Board that he has sat on where everything is really not approved and just okayed based on conditions being followed (SIC). He further explained that a Board will make a resolution, and this is not the case with the GLUC, which is fine (SIC).

Additionally, behind two of his houses, there is a major medical facility, and when this facility was approved, ample parking was to be provided. But there is a dispute with the owners and the staff, where the staff are all parking along Farenholt Avenue. Commissioner Yingling said he parks his car on Farenholt Avenue at the front of his gate to ensure that no one parks there.

[Commissioner Yingling continues with a lengthy commentary on illegally parked cars along Farenholt Drive, pedestrian traffic, vehicle traffic, and water issues.]

Mayor Rivera said the issue today is who is the enforcement agency for new development. These projects are coming up, and this is happening all over the island, not just in the community of Tamuning. The buildings are built, and applicants will state that adequate parking will be provided, but then there is overflow parking because of parties and events. Businesses that say they will provide adequate parking, condominiums, and apartments that say they will have adequate parking, they don't. Right now, cars are overflowing everywhere and impeding on other people's private property (SIC). Mayor Rivera wants to ensure that with all these development they want to ensure that adequate parking is provided.

<u>Mayor Rivera</u> added that pedestrians and children have to walk on the street because cars are parked illegally, and this is because of the Guam Land Use Commission approving an application where developers say that adequate parking will be provided (SIC). This is a big issue, and this has been brought up to Commission members in the past; she hopes that this is resolved.

[Mayor Rivera continues with a lengthy commentary regarding illegal parking and enforcement on parking]

<u>Mayor Arroyo</u> remarked that the village of Agana Heights does not have these issues, and he welcomes new development on the island. Mayor Arroyo further added that he supports Mayor Rivera's comments.

<u>Chairperson Enriquez</u> remarks that she was unsure when she would bring up the need for a recommendation from this Commission that will ultimately be presented either to the Committee on Land with the Guam Legislature or the right entity when thinking about not just the planning,

but also enforcement. As applications come through that are presented to the regular Commission or the hybrid Commission, they are reviewed based on the application itself. The Commission relies on the position statements that are provided by the ARC that are relevant to the agency's respective compliance requirements. It is looked at in relative isolation specific to the actual application, but the Commission does not just think about land use planning overall, and once and for all, that meets the proposed development use for the respective village, and having to go through these hurdles. Madam Chair further stated that this Commission is open to what needs to be recommended and brought to the right body for action, and is receptive to being proactive and entertaining from this Commission on what ought to be proposed.

<u>Mayor Arroyo</u> commented that several subdivisions have covenants, but with new development, he believes that the responsibility lies with the landlords or facilities management to ensure strict compliance with parking, trash, etc.

[Lengthy discussion ensues on enforcement, regulations, and requirements on parking issues.]

<u>Chairperson Enriquez</u> noted that there were no further questions or comments from the Commissioners. Madam Chair turned the floor over to the staff for the report.

<u>Sonny Gogue, Planner</u> read the staff report dated July 11, 2025. Ms. Gogue read the application summary, location, present zoning, master plan, community design plan, and the application's chronological facts, staff analysis. [For full context/content, please see attached report]

[Attachment A – Staff Report dated July 11, 2025]

In Planning's analysis of this proposed subdivision, they found that based on the submitted application and supporting information, and the positive response from members of the ARC, this request for a Tentative Subdivision approval is in good form and context to be enacted by the Commission. Planning Division recommends approval with conditions.

<u>Chairperson Enriquez</u> questions for staff [none noted from the members]. Madam Chair commented that Mr. Swavely raised concerns about position statements and the conditions concerning three agencies. Because the recommendation from the Planning Division is to approve with conditions of the ARC, Madam Chair asked what the response is to the concerns that were raised by the applicant's representative.

Celine Cruz, Chief Planner replied that the Chairperson said it best in that the position statements that were received from the ARC are germane to their mandates. Chief Planner Cruz stated that who are we (Planning) to pick and choose the conditions to be included for recommendation to the Commission, and so, as a practice, the conditions are all included. She added that it would be for the applicant to negotiate those conditions during the permitting process. Additionally, the Chief Planner noted that the Bureau of Statistics and Plans was not a permitting agency, and Planning would not know how to enforce this affordable housing condition.

Chief Planner added that they are working on coordinating workshops with the ARC members to discuss the enforceable conditions of the Commission, and plan to have these workshops sometime in early December.

The applicant's representative asking for these conditions to be dismissed, but also says they will comply, but is unsure how it's within their mandates to meet these conditions. Ms. Cruz believes that this could happen either at the permitting level or that the applicant should work with the

members during the Application Review Committee meeting ahead of the Commission's meeting, so that conditions are not included and it does not become an obstacle when working on the building permits for the application.

<u>Chairperson Enriquez</u> commented that she asked the question because when there are additional constraints, requirements that pose constraints, there are additional costs. When there are conditional costs and they have not been factored in because there is nothing within the statute that requires this, unless it is specified in some sort of agency internal mandate that it be required. Madam Chair questioned that, because the Commission is about to entertain a motion for action where the applicant adheres to the ARC conditions and requirements as stipulated in the official position statements, she was unsure to what extent there is latitude for negotiation once the recommendation becomes an approved item as proposed by the Hybrid Commission. Madam Chair asked Legal Counsel where the latitude would be afforded or if there was any room for negotiating outside of what has already been stipulated in the position statements.

Attorney Miller, Legal Counsel responded that perhaps the simplest way of addressing this matter for purposes of today's agenda is if a Commissioner modifies the staff's recommended stipulations to say that the Commission approves the proposal subject to ARC stipulations, and this would be the change, "as may be required by law." Attorney Miller added that it could be further discussed at another time, for the applicant and the various permitting agencies to debate what the law requires; but, make clear that what this Commission expects is compliance with the law, no more, but no less.

<u>Chairperson Enriquez</u> stated that there is a difference between "shall and may," and there is no deviation from "shall," but there is some latitude in the word "may."

Attorney Miller said that another way to put this would be, in prior work where Attorney Miller did this type of work, would be that the Zoning Commission would require either general conformance with the proposed plan or, alternatively, strict compliance with the proposed plan. Strict compliance meant that the Commission would vote yes on the assumption that exactly what was in the packet in front of the Commission today was ultimately going to be constructed. General conformance means as long as it's two stories and about 2,800 square feet, etc., the Commission is okay.

Chairperson Enriquez any further comments from the Chief Planner.

Celine Cruz, Chief Planner had no further comments.

Attorney Miller stated that, for purposes of today's meeting, is that his recommendation would be on the assumption that there would be a motion to approve, that the stipulation to comply with ARC requirements be amended to say "as may be required by law."

Celine Cruz remarked that the staff report can be modified per Attorney Miller's recommendation.

Chairperson Enriquez any further comments.

<u>Vice Chairman Pangilinan</u> asked if the Bureau of Statistics mentioned how this would affect the appraisal price, and because this is the same subdivision, and if the units are in the million-dollar range, and six percent have to be in the affordable range, would this affect the appraisals for buyers.

<u>Chairperson Enriquez</u> stated that before the Vice Chair's question is entertained, she wanted to open for public comment. Madam Chair opened for public comment on the application that is before the Commission today.

<u>Public Comment</u> [Madam Chair noted no public comment, closed the public comment period.]

Chairperson Enriquez turned the floor over to Vice Chair Pangilinan.

<u>Vice Chairman Pangilinan</u> stated that this was a question that he had thought of. There are six units that the Bureau was stating that had to be affordable housing, and asked if the Bureau stated how this would affect the appraisal of the other units in the subdivision.

<u>Daniel Swavely</u> responded, "Of course not." The Bureau has this "silly, ignorant" (SIC) requirement that fifteen percent of every subdivision be affordable housing, and every time, Mr. Swavely stated that he objects. Additionally, this business of his negotiating with the permitting agencies, permitting agencies say, well, the Commission said it was okay. Mr. Swavely encourages the Commission to say if the agency does not have the authority, do not include it in the position statement. Mr. Swavely posed the question, what is affordable housing? Affordable housing, by definition, is 80 to 100 percent of the area median income, and what is Guam's median income? As of May 2023, the average hourly rate is \$20.49. Take this figure and multiply it by 2040 (average number of hours worked in a year), divided by twelve, and the average monthly is about \$3,700 a month.

[Mr. Swavely continues to explain the calculations, mortgage rates, and affordable housing definition. This concluded his presentation, and he was prepared to answer additional questions from the Commission.]

<u>Chairperson Enriquez</u> there were no further comments from the members. Madam Chair asked the members to keep in mind the input provided by Attorney Miller, comments made by Mr. Swavely, clarifications from Chief Planner Cruz, and discussion that has ensued. Chairperson Enriquez was ready to entertain a motion for action.

<u>Celine Cruz, Chief Planner</u> asked Attorney Miller if it would be okay to amend Planning's recommendation based on the earlier discussion at this point.

Attorney Miller replied, Yes.

<u>Celine Cruz</u> asked Madam Chair for a brief recess in order to modify the staff recommendation, taking into consideration the discussion that had ensued.

<u>Chairperson Enriquez</u> presented to the members, asking if they would entertain a short recess before proceeding with a motion for action.

Commissioner Yingling made a motion to recess. The motion was seconded by Municipal Commissioner Rivera. Chairperson Enriques accepted the motion made by Commissioner Yingling and seconded by Mayor Rivera. The motion was put to a vote, with all in favor of recess.

[Commission recessed at 2:26 p.m. and reconvened at 2:40 p.m.]

<u>Chairperson Enriquez</u> announced that during recess, the internet access went down, and that the live-stream is now up and running, and extended her appreciation for everyone's patience.

Back to the order business. Madam Chair was ready to entertain a motion for action for Application No. H2025-43.

<u>Celine Cruz, Chief Planner</u> stated that they passed out the amended recommendation for approval to the Commission members and read the amended recommendation for the record.

Planning's recommendation is that;

- A. That the applicant adheres to such ARC conditions and requirements as may be required by law and stipulated and set forth in their official position statement; and,
- B. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21 GCA, Chapter 62, Section 62504(a). The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504(b).

This is the amended recommendation.

<u>Chairperson Enriquez</u> noted that an amendment to the recommendation by Planning Staff has been made and asked for a motion for action for this application.

Mayor Rivera made a motion to approve Application No. H2025-43, the applicant, Blue Ocean Investment LLC, represented by Daniel Swavely, for a Tentative Subdivision for the construction of the Oka Villas subdivision, a fully improved subdivision with thirty-eight single-family dwellings, on Tract 13402 (formerly Lot 2148-3-R8) in the municipality of Tamuning, in an R2 zone; based on the recommendation of approval from staff, that,

- A. That the applicant adheres to such ARC conditions and requirements as may be required by law and stipulated and set forth in their official position statement; a
- B. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21 GCA, Chapter 62, Section 62504(a). The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504(b); and,
- C. That the applicant works with the Office of the Mayor in all that is required as per Public Law 14-27, for any agencies or development. Although the agency review committee sets the conditions together with the recommendation of Land Management, she asked to always keep the Office of the Mayor informed, who are put in place for the people in the community.

Chairperson Enriquez accepted the motion made by Mayor Rivera and asked for a second.

<u>Commissioner Yingling</u> seconds the motion.

<u>Chairperson Enriquez</u> motion is seconded by Commissioner Yingling. There were no additional comments or discussion. Madam Chair put the motion to a vote, with all in favor of approval. [Motion was passed unanimously with a vote of 6 ayes and 0 nays.]

V. Administrative and Miscellaneous Matters [None]

VI. Adjournment

<u>Chairperson Enriquez</u> there is no additional business for this Hybrid Commission. Madam Chair was ready to entertain a motion to adjourn.

Mayor Rivera made a motion to adjourn today's meeting.

Mayor Arroyo seconds the motions.

<u>Chairperson Enriquez</u> accepted the motion made by Mayor Rivera and seconded by Mayor Arroyo. The motion was put to a vote, with all in favor of adjournment. [Motion passed with a vote of 6 ayes and 0 nays.]

The regular meeting of the Guam Hybrid Land Use Commission for Thursday, July 24, 2025, was adjourned at 2:45 p.m.

Approved by:

Date approved:

Anita B. Enriquez, Chairperson Guam Hybrid Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary Planning Division, DLM

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

> Mailing Address: P.O. Box 2950 Hagatña, 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)





JOSEPH M. BORJA DIRECTOR

ROSSANA SAN MIGUEL TISTON DEPUTY DIRECTOR

THE

JOSHUA F. TENORIO SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

LOURDES A. LEON GUERRERO

MAGA HÅGA • GOVERNOR

July 11, 2025

MEMORANDUM

TO:

Chairperson, Guam Hybrid Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report - Application No. H2025-43 Tentative Subdivision Application

1. PURPOSE:

- A. Application Summary: The applicant, Blue Ocean Investment LLC, represented by Daniel D. Swavely Consulting Services, Inc., is requesting approval of a Tentative Subdivision for the construction of a fully-improved subdivision consisting of thirty-eight (38) single-family dwellings, on Tract 13402 (formerly Lot 2148-3-R8), in the Municipality of Tamuning, in an "R2" (Multiple Dwelling) zone.
- B. Legal Authority: Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

FACTS:

- A. Location: The subject lot is situated behind a commercial building and a multi-family structure, on the opposite side of Hoshini Resorts RISONARE Guam. It is accessible via an undeveloped access road that runs from Governor Carlos Camacho Road to Farenholt Avenue.
- B. Lot Area: 23,821 ± Square Meters or 256,406 ± Square Feet or 5.88 Acres.
- C. Present Zoning: "R-2" (Multi-Family Dwelling) Zone.
- D. Field Description: The property has been vacant and undeveloped.
- E. Masterplan: Mixed Use (2009 North and Central Guam Land Use Plan)
- F. Community Design Plan: Urban Residential Medium-High Density

G. Previous Commission Action:

1) On December 13, 2022, the Guam Land Use Commission (GLUC) approved with conditions a Tentative Subdivision to create thirty-eight (38) single-family residential lots.

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: May 6, 2025

B. Date Heard By ARC: June 5, 2025

C. Public Hearing Results: Not Required

4. STAFF ANALYSIS:

The applicant proposes the creation of a fully-improved subdivision comprising of thirty-eight (38) single-family residential lots, along with a recreational area, ponding basin, and landscaped open spaces. This development aims to foster a cohesive community environment by integrating essential amenities and sustainable infrastructure. Although the property could potentially support up to fifty-one (51) lots based on a minimum lot size of 464.52 square meters (5,000 square feet), the proposed plan includes forty-one (41) lots: thirty-eight (38) designated for residential use, one (1) for a ponding basin, one (1) for a recreational area, and one (1) for public access and utility easement. Moreover, the subject property is zoned R2 (Multiple Dwelling), permitting a maximum of 205 dwelling units under the density development standards of 116.13 square meters (1,250 square feet) per unit.

In its development concept, the applicant proposes to construct a four-bedroom single-family residential structure on each of the thirty-eight (38) residential lots. The development includes a 40-foot-wide public access and utility easement connecting Governor Carlos Camacho Road to Farenholt Avenue, which will be developed by the applicant. The on-site improvements will consist of paved roads, sidewalks, curbs, gutters, storm drainage, streetlights, fire hydrants, and underground utilities such as power, water, sewer, telephone, and cable TV services.

To address the health, safety, and general welfare issues of the proposed development and the public in general, the applicant has been coordinating with the various government entities to ensure that their requirements are adhered to. Likewise, health, safety, and general welfare of the community are logically supported by a single-family residential use proposal within the appropriate zoning designation.

In our analysis of this proposed subdivision, we find that based on the submitted application and supporting information, the applicant's commitment to work with the various government agencies and the positive response from members of the ARC, this request for a Tentative Subdivision approval is in good form and context to be enacted favorably by the Commission.

- 5. <u>RECOMMENDATION:</u> Based on the above, we recommend APPROVAL with the following conditions:
 - A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and
 - B. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21 GCA, Chapter 62, Section 62504(a). The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504 (b).

Celine L. Cruz

Guam Chief Planner

Case Planner:

Grace Vergara

Attachments:

Application Package

Summary of Position Statements Submitted by ARC

NOA Dated December 15, 2022

	GOVERNMENT OF GUAM - Department of Land Management Office of the Recorder 982624 File for Record is Instrument Number on the Year 20 Month Day O4 Time 330 Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO Deputy Recorder:	982624
	(Space above for Recordation)	
for and receive project within Action, other	Section 5 of Executive Order 96-26, the applicance a building or grading permit for the approved one (1) year of the date of Recordation of the rwise, the approval of the project as grantshall expire. This requirement shall not apply for age***."	GLUC/GSPC nis Notice of nted by the
	GUAM LAND USE COMMISSION Department of Land Management Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 NOTICE OF ACTION	
	Department of Land Management Government of Guam P.O. Box 2950 Hagåtña, Guam 96932	
Represe 240 Talo	Department of Land Management Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 NOTICE OF ACTION December 15, 2022	No. <u>2022-56</u>
Represe 240 Talo Tamunin	Department of Land Management Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 NOTICE OF ACTION December 15, 2022 Date Date Application an Investment LLC Inted by Ignacio F. Santos verde Drive Ig, Guam 96913 and Use Commission, at its meeting on December 13, 2022.	

Your request on Tract 13402 (formerly Lot 2148-3-R8), Municipality of Tamuning,

for a:

NOTICE OF ACTION

Application No. 2022-56

Blue Ocean Investment LLC

Tract 13402 (formerly Lot 2148-3-R8), Municipality of Tamuning

GLUC Meeting of December 13, 2022

Page 2 of 4

982624

ZONING / Zone Change*** / Conditional Use / Zone Variance [] Height [] Use [] Density [] Other (Specify) [] Setback / TENTATIVE DEVELOPMENT PLAN	SUBDIVISION / Subdivision Variance XX / Tentative Subdivision / Final Subdivision / Extension of Time / PL 28-126, SECTION 1(A)
****Approval by the Guam Land Use Commission FINAL APPROVAL but rather a recommendation to be notified upon action taken by the Governor. 61(Zoning Law), Section 61634 (Decision by the Commission by the Commiss	o of a <u>ZONE CHANGE</u> <u>DOES NOT CONSTITUTE</u> to the Governor for his approval. Applicant shall. [Reference 21 GCA (Real Property), Chapter
SEASHORE / Wetland Permit/ Seashore Clearance	HORIZONTAL PROPERTY REGIME / Preliminary/ Final
MISCELLANEOUS / Determination of Policy and/or	

NOTICE OF ACTION

Application No. 2022-56

Blue Ocean Investment LLC

Tract 13402 (formerly Lot 2148-3-R8), Municipality of Tamuning

982624

APPLICATION DESCRIPTION: The Applicant, Blue Ocean Investment LLC, represented by Ignacio F. Santos, requests for approval of a Tentative Subdivision for the proposed construction of a fully-improved subdivision consisting of thirty-eight (38) single-family dwellings, on Tract 13402 (formerly Lot 2148-3-R8), in the Municipality of Tamuning, in an "R-2" (Multi-Family Dwelling) zone.

COMMISSION DECISION:

The Guam Land Use Commission APPROVED the applicant's request, subject to the following conditions:

- A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement: and
- B. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21 GCA, Chapter 62, Section 62504(a). The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504 (b).

Celine L. Cruz

Arthur D. Chan Jr.

Guam Chief Planner

Acting Chairperson

Guam Land Use Commission

Case Planner: Grace Vergara Cc: Building Permits Section, DPW NOTICE OF ACTION

Application No. 2022-56

Blue Ocean Investment LLC Tract 13402 (formerly Lot 2148-3-R8), Municipality of Tamuning Page 4 of 4

982624

CERTIFICATION OF UNDERSTANDING

//We(Applicant [Please print	name])	(Representative [Please print na	ame])
building or grading peri project within one (1)	mit must be obt year of the da approval of	5 of Executive Order 96- ained for the approved GL te of recordation of this the project as granted	UC/GSPC Notice of
The Commission may approval period at the ti		one-year extensions of oroval.	the above
This requirement shall no	t apply for applic	ation for a Zone Change***	
Action and further AGREE	ction as mandated	ALL CONDITIONS made a by the approval from the Guatection Commission.	part of and
Signature of Applicant	Date	Signature of Representative	Date
	F RECORDED NO	TICE OF ACTION RECEIVED BY	' :
Applicant	Date	Representative	Date

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

> Mailing Address: P.O. Box 2950 Hagatña, 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 GUAHAN

(Government of Guam)



LOURDES A. LEON GUERRERO MAGA 'HÅGA • GOVERNOR

JOSHUA F. TENORIO SIGUNDO MAGA'LÂHI • LIEUTENANT GOVERNOR JOSEPH M. BORJA DIRECTOR

ROSSANA SAN MIGUEL TISTON DEPUTY DIRECTOR

July 11, 2025

Memorandum

To:

Guam Hybrid Land Use Commission (GHLUC) Members

From:

Chairperson, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. H2025-43 (Tentative Subdivision)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. Conditions as imposed by the ARC member agencies, if any, are listed on their attached position statement.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends 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.** All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21 GCA, Chapter 62, Section 62504(a). The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504 (b).

BUREAU OF STATISTICS AND PLANS (BSP):

BSP recommends approval of the Tentative Subdivision application based on the aforementioned conditions on their position statement.

GUAM WATERWORKS AUTHORITY (GWA):

GWA is in favor of the approval of the application, subject to the conditions on their position statement.

GUAM POWER AUTHORITY (GPA):

GPA has no objection to the request, subject to the conditions on their position statement.

Memo to GHLUC Members

Ref: ARC Position Statements - Application No. H2025-43

July 11, 2025 Page 2 of 2

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

GEPA approves the application with conditions as stated on their position statement.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW has no objection to the request, subject to the conditions on their position statement.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR will have no objection to the approval of the Tentative Subdivision application, subject to the condition on their position statement.

DEPARTMENT OF AGRICULTURE (DoAg):

DoAg does not oppose the proposed Tentative Subdivision, subject to the conditions on their position statement.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):

Ex-Officio, non-voting member, not required to submit Position Statement.

GUAM FIRE DEPARTMENT (GFD):

Ex-Officio, non-voting member, not required to submit Position Statement.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Ex-Officio, non-voting member, not required to submit Position Statement.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Ex-Officio, non-voting member, not required to submit Position Statement.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Ex-Officio, non-voting member, not required to submit Position Statement.

Guam Chief Planner

Attachments: ARC Position statements

CC: Executive Secretary, GLUC



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913 P.O. Box 3010, Hagatna, Guam 96932

Tel. No. (671) 300-6846/47 Fax No. (671) 648-3290

MEMORANDUM

June 5, 2025

TO:

Joseph Boria, Director, Department of Land Management

CC:

Mayor Louise C. Rivera, Municipality of Tamuning

(louise.rivera@mcog.guam.gov)

FROM:

Miguel C. Bordallo, P.E., General Manager M030

SUBJECT:

Position Statement on Tentative Subdivision Application 2025-43 for Lot

2148-3-R8 in the Municipality of Tamuning

APPLICANT: Blue Ocean Investment, LLC

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a Tentative Subdivision in an "R2" (Multi-Family) zone for the proposed development of tentative subdivision to construct 38 2-story houses.

This memorandum shall serve as GWA's position statement for the Blue Ocean Investment, LLC application related to the availability of water and sewer infrastructure to serve Tamuning lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application:

- 1. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be adhering to GWA standards conducted during construction.
- 2. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications signed and stamped by a Professional

RECEIVED By Cristina at 12:34 pm, Jun 10, 2025 Applicant: Blue Ocean Investment, LLC

Engineer licensed in Guam. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations adhering to GWA standards and requirements.

- 3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal to discuss the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction phase which are unavailable for use by newly proposed developments. Water and Sewer design shall adhere to GWA standards and requirements.
- 4. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA and must meet GWA standards. The proposed off-site water and sewer infrastructure improvements shall be constructed in the public easement or right of way, and shall be subject to inspection by GWA at the sole at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

- Easements for water must have a minimum width of 10 feet. Easements for both water and sewer must be a minimum width of 20 feet. Larger easement widths might be required, depending on site-specific conditions and proposed installation of other adjacent utilities.
- GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.
- The applicant shall install GWA water meters and sewer cleanouts for government use in the public right of way or easement, in accordance with GWA standards.
- 8. New development is subject to water and/or sewer system development charges.
- Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

10. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Please contact Jacob Miller, P.E., GWA Permits and New Area Development Supervisor (#671-300-6039 or jpmiller@guamwaterworks.org) for water and sewer system standards or additional information.



GUAM POWER AUTHORITY

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

June 09, 2025

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 2148-3-R8, Municipality of Tamuning, (Blue Ocean Investment LLC.); Tentative Subdivision for the proposed construction of a fully-improved subdivision consisting of a thirty-eight (38), Single-Family dwelling. In an "R-2" (Multi-Family Dwelling) zone.

Application No. 2025-43

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

A. Comments and Recommendations Concerning GPA requirements:

- 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.
 - GPA reserves its easement rights established under Document Number 87751.
- 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.
- A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.
- 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.

6.8 mg



INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Blue Ocean Investment LLC Location: Lot 2148-3-R8, Tamuning Type of Application: Tentative Subdivision GLUC/GSPC Application No. 2025-43 Brief Project Description:

To construct 38 Single-Family residential housing.

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

traffic and	acilities; schools; healtl street lights; parks an	aste disposal; storm h facilities; police an d recreational activi	d fire fighting s	solid waste disposa service and facilities	ai; telephone s; roads;
1. II IN	nereby certify that the red FRASTRUCTURE are Yes	currently AVAILAB	NT SERVICES, LE AND IN PL	FACILITIES and ACE to support this	s project:
I h	the answer to #1 above increby certify that the red IFRASTRUCTURE are	quired GOVERNME	NT SERVICES, TE to support the	FACILITIES and is project:	
	Yes 🗌	No			
pla sei	the required GOVERNM ace are NOT AVAILAB rvices, facilities and infra e currently available and	SLE or they are AVA astructure that are ne	ILABLE, BUT eded, the estimat	NOT ADEQUATE ted cost thereof and	, itemize the whether funds
					ucture:
	acilities and	Cost of Upgrades	Funds	Date Available	Funds
Infrastructu		Cost of Upgrades	Funds Available		

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 may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



The Honorable
LOURDES A. LEON GUERRERO

Maga' Håga · Governor

The Honorable JOSHUA F. TENORIO

Sigundo Maga' Låhi • Lieutenant Governor

Public works
DIPATTAMENTON CHECKO PUPBLEKO
VINCENT P. ARRIOLA
Director

LINDA J. IBANEZ

Deputy Director

ERNEST CANDELETA, JR.

Deputy Director

MEMORANDUM

TO:

Anita B. Enriquez, PhD

Chairperson, Guam Land Use Commission

FROM:

Director

APPLICANT:

Blue Ocean Investment, LLC

Application No.: H2025-43 (Lot No. 2148-3-R8), Zoned "R-2"

SUBJECT:

Tentative Subdivision

The applicant is requesting approval for the Tentative Subdivision that will build 38 houses from using (3) Models (A, B and C). The total lot is 23,821 square meters located in the Municipality of Tamuning. (See 2nd page for the required conditions).

Model "A"

First Floor: (2) car garage, kitchen, dining room, family room, guest bathroom, bedroom and (2) full bath. Second Floor: Den / TV Room, (3) bedrooms (2) full bathrooms, walk-in closet and utility room.

Model "B"

First Floor: (2) car garage, kitchen, dining room, family room, den and guest bathroom. Second Floor: (4) bathrooms, (2) full bathrooms, walk-in closet and utility room.

Model "C"

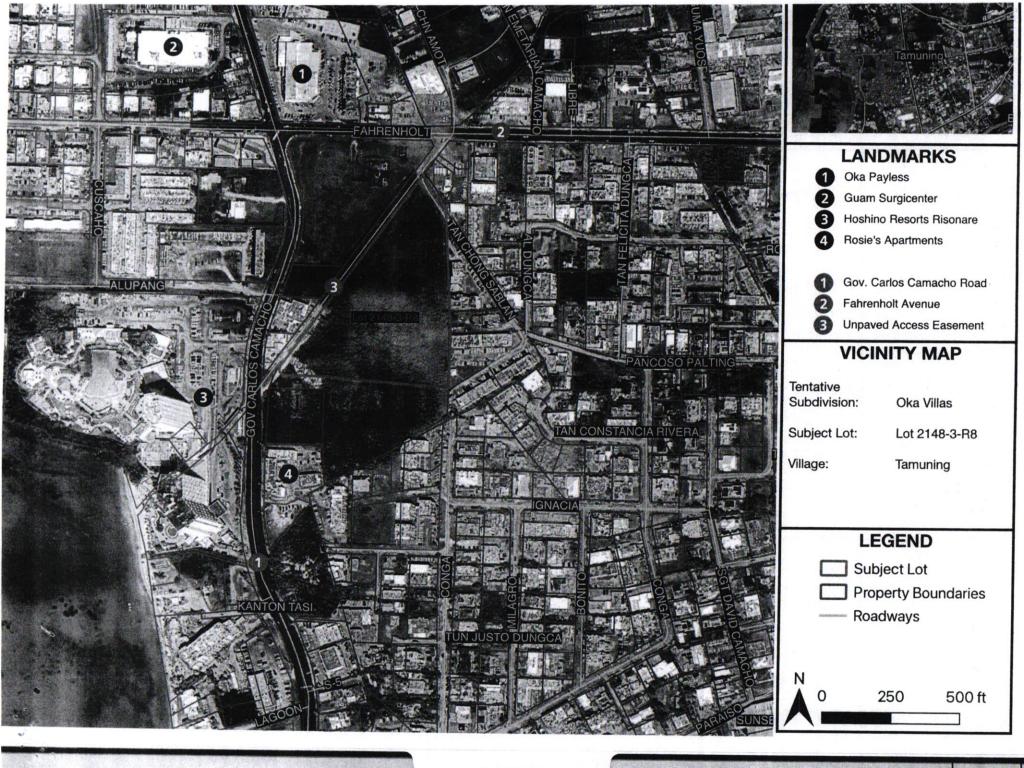
First Floor: (2) car garage, kitchen, dining room, family room, den, and guest bathroom. Second Floor: (4) bedrooms, (2) full bathrooms, walk-in closet and utility room.

For building permit application requirements, the applicant must submit a complete set of design drawings with all the engineering disciplines needed, and must be in conformance with the existing building code in use, signed by a Registered Engineer or Architect. Should you have any questions, please contact the Division of Capital Improvement Projects, (CIP) at (671) 646-3224.

VINCENT P. ARRIOLA

The Department of Public Works has no objection to this request, subject to the following:

- 1. The applicant shall provide a traffic study to determine the impacts of the proposed subdivision. The findings shall be provided to DPW's Highway Division for review and comments. DPW's recommendation and the traffic study shall be made part of the applicant's permit for construction (including civil works).
- 2. The applicant shall coordinate with DPW's Bus Operations to determine the proposed subdivision's school bus shelter requirements. The applicant shall be responsible for furnishing the required number of bus shelters at no cost to the Government.
- 3. The applicant shall ensure the full development improvements (storm water drainage and on-site collection system, paving, striping, road safety signage and streetlights) are provided prior to approval of the final subdivision by the Department of Land Management.
- 4. The applicant shall comply with all the GLUC conditions and local permitting requirements.





Lourdes A. Leon Guerrero Governor Joshua F. Tenorio

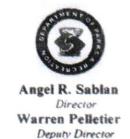
Joshua F. Tenorio
Lt. Governor

Department of Parks and Recreation

Dipattamenton Plaset yan Dibuetsion

Government of Guam

Director's Office, Parks and Recreation Divisions #1 Paseo de Susana, Hagâtha, Guam 96910 P.O. Box 2950. Hagâtha, Guam 96932 (671) 475-6288; Facsimile (671) 477-0997 Guam Historic Resources Division 490 Chalan Palasyo, Agana Heights, Guam 96910 (671) 475-6294/6355; Facsimile (671) 477-2822



amenton Min

May 27, 2025

In reply refer to: RC 2023-0008

Memorandum

To:

Director, Department of Land Management

From:

Director, Department of Parks and Recreation

Subject:

Oka Villas Subdivision, GLUC Tentative Subdivision Application #H2025-43

by Blue Ocean Investment LLC at Lot 2148-3-R8, Tamuning

We reviewed the subject request by applicant, Blue Ocean Investment LLC c/o Daniel D. Swavely Consultation Services, Inc. propose a Tentative Subdivision Application in order to build 38 houses, fully improved with paved streets, sidewalks, water and sewer system, power, stormwater collection and drainage, landscaping and playground within the Municipality of Tamuning; GLUC Tentative Subdivision Application No. H2025-43. The subject Lot has an overall size of 5.88 acres.

Our office has concluded our review and will have No Objection with the Approval of this GLUC Tentative Subdivision Application. However, as previously stated in our last position dated February 22, 2023 regarding the subject lot, we will be issuing a Certificate of Approval (COA) for this project during permit processing in order to ensure that historic properties that may be present on this property will not be impacted during construction phase. We strongly advise the applicant(s) to initiate and maintain consultation with our office to avoid delays to this plan.

Should you have any questions, please contact Mr. Logan Myers, Archaeologist at (671) 475-6340 or by email: logan.myers.ador.guam.gov.

Sincerely,

Angel R. Sablan

Director

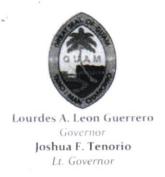
Patrick Q. Lujan

State Historic Preservation Officer

RECEIVED

By Cristina at 3:20 pm, May 30, 2

0.4



Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Manailao, Guam 96913



To:

Anita B. Enriquez, Chairwomen

Guam Land Use Commission

Attn:

Joseph M. Borja, Executive Secretary

Guam Land Use Commission

From:

Chelsa Muña, Director

Date:

July 2, 2025

Subject:

Position Statement for "Tentative Subdivision", Application H2025-43, for

proposed construction of the Oka Villas Subdivision, on Lot 2148-3-R8, in an "R-2" zone, along Gov Carlos G Camacho Road, Tamuning. Blue Ocean

Investment LLC.

The Department of Agriculture (DOAG) provides the following position statement regarding a Tentative Subdivision Application H2025-43, submitted by Blue Ocean Investment LLC, for the proposed Oka Villas Subdivision on Lot 2148-3-R8, a 5.88-acre (256,406 square feet) located in a Multi-Family (R-2) zone along Gov Carlos G Camacho Road, Tamuning, Guam.

The proposed development involves constructing 38 two-story houses with fully paved streets, sidewalks, water and sewer systems, power, stormwater drainage, landscaping, and a playground. Three house models will be offered, each approximately 2,808 square feet. Model A includes a 2-car garage, 3-bedrooms, and 2-bathrooms, while Models B and C each feature a 2-car garage, 4-bedrooms, and 2-bathrooms.

The following are conditions from the various divisions within DOAG that must be met prior to any development activity:

1. Division of Aquatic and Wildlife Resources (DAWR):

- a. If the property is greater than one (1) acre in size, a biological survey is required prior to any ground disturbance or development activity. This survey must be conducted by a qualified biologist and submitted to the Department of Agriculture for review. The purpose of the survey is to identify any protected species or sensitive habitats present on the lot and to guide appropriate avoidance or mitigation measures.
- b. Conservation measures must be developed to address the presence of protected species, including but not limited to the Mariana Fruit Bat, Yellow Bittern, Micronesian Starling, Guam Tree Snail, federally listed native orchids, and other flora and fauna species of concern that may occur on-site. These measures must focus on avoidance and/or minimization of impacts to these species and must be clearly outlined in the biological survey report submitted to the Department of Agriculture.

Director's Office 300-7965 | Agricultural Dev. Services 300-7973 | Animal Health 300-7964/6 Aquatic & Wildlife Resources (DAWR) 735-0294 | Forestry & Soil Resources 300-7975/7 RECEIVED Plant Nursery 300-7974 | Biosecurity Division 475-1427 | Pest Hotline 475-7378

By Cristina at 12:17 pm, Jul 03,

- c. Eco-friendly development practices must be incorporated in the plans to minimize impacts to the environment and natural resources. Examples of eco-friendly development include but are not limited to: planting native plants for landscaping, shielding light posts, permeable pavers for parking, screened stormwater drains, rain gardens, water catchments, anti-bird strike windows, and green roofs.
- d. Landowner and the contractor conducting the Biological Survey must consult with DAWR to discuss the methodology and findings of the survey and determine conservation measures that best address impacts to the natural resources.
- e. Mitigation measures must be proposed to address potential impacts to native waterbirds such as the Mariana Common Moorhen, which may perceive solar panels as open water due to reflective glare.
- f. A hazardous waste management plan must be submitted with the development proposal. This plan must identify potential sources of hazardous waste and outline containment, disposal, and spill response procedures to prevent contamination of surrounding habitats.

2. Biosecurity Division:

- a. A biosecurity plan must be developed and submitted to the DOAG for approval prior to the start of any work. This plan must outline avoidance measures to prevent the introduction and spread of Little Fire Ants (LFA) and other noxious or invasive species that may pose a risk to nearby residents and the surrounding environment. Development activities may not proceed until DOAG has reviewed and approved this plan.
- b. Landowner and the contractor must consult with the Biosecurity Division.

3. Forestry and Soil Resource Division:

- a. A stormwater plan must be submitted to DOAG for review prior to development. The plan should assess mitigation measures for runoff, flooding, and erosion. Percolation rates in stormwater collection and drainage areas must be sufficient to prevent attraction of migratory bird species such as moorhens. If the landowner intends to create habitat for these species, consultation with DOAG is required.
- b. The Biological Survey must identify vegetation on-site. Upon review, DOAG will notify the landowner of any culturally valued, protected, or rare plant species that may require seed collection for nursery inventory. These may be used in conservation or reforestation projects.

4. Agricultural Development Services:

a. If clearing is to occur, six to eight inches of topsoil must be preserved and designated for agricultural use. This nutrient-rich layer supports native plant seedlings, seasonal crops, and fruit trees. The preserved soil must be reused or donated to benefit

- community-based agricultural efforts. For more information on donation options, contact DOAG at agriculture@doag.guam.gov.
- b. If vegetation will be cleared, the material must be mulched on-site and made available to the community. Mulch helps reduce erosion, conserve water, suppress weeds, and protect landscaped areas. To prevent the spread of invasive species such as the Coconut Rhinoceros Beetle, all mulch piles must be covered with a protective net or barrier until they are removed or treated.

DOAG does not oppose the proposed tentative subdivision, provided that the conditions listed above are met prior to any development activities. The department remains available to discuss the proposed development in greater detail and reserves the right to withdraw or revise its position should the landowner fail to fulfil any conditions prior to the Guam Land Use Commission's final decision.

For questions or concerns, please contact permits@doag.guam.gov.



GUAM ENVIRONMENTAL PROTECTION AGENCY - AHENSIAN PRUTEKSIÓN LINA LA GUÁHAN

LOURDIS A LION GUERRERO • GOVERNOR OF GUAM | JOSHUA F, TENORIO • LIFUTENANT GOVERNOR OF GUAM

Dr. Anita B. Enriquez Chairman, Guam Land Use Commission c/o Department of Land Management 590 S. Marine Corps Drive ITC Bldg, Ste. 733 Tamuning, Guam 96913



Ref: <u>Application No. H2025-43</u>, the Applicant, Blue Ocean Investment LLC represented by Daniel Swavely; is requesting a Tentative Subdivision for the construction of the Oka Villas Subdivision, a fully improved subdivision with thirty-eight (38) houses and lots, on Lot 2148-3-R8, Tract 13402, in the Municipality of Tamuning, in an "R-2" (Multi Family Dwelling) zone.

Hafa adai Dr. Enriquez:

Buenas yan Saluda. The staff of this Agency has reviewed the application for the proposed zone change and approval of this application is subject to until such time that the following conditions are met:

A. EPP, Stormwater and Erosion Control

- 1. The proposed development must meet all requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02. Strict compliance to the Erosion & Sediment Control (E&SC) standards of the said 2006 manual must be adhered to by the contractor to prevent unlawful discharge of run-off to the nearby private properties during the clearing and grubbing, excavation, trenching, pipe laying and backfilling of pipe trenches.
- 2. The property is currently vacant and undeveloped with vegetations. Pre-development activities are clearing, grubbing, grading and stockpiling (CGGS). A permit should be secured from Guam EPA Water Pollution Control Program prior to this activity. This development needs an Environmental Protection Plan (EPP) prepared and stamp by a professional engineer pursuant to 22GAR §10104 (c) (5) (D) where the focal point and integral part of the EPP is the Erosion Control Plan (ECP). The EPP must include, among others, vegetation, wildlife, fugitive dust control, solid and hazardous waste management and disposal procedures, work site maintenance and typhoon recovery plan.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 588.4751 | Fax: (671) 588.4531 | epa.guam.gov ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLALALA

B. Drainage System

The application did not mention clearly the type of drainage system intended for the
proposed subdivision and it only mentioned that the runoff will be collected and directed
towards a retention basin. A detailed planning of the proposed drainage system must be
reflected on the construction drawings. During the building permit review processes and
must comply with the requirements pursuant to the regulations under the Water Pollution
Control Program.

C. Water & Wastewater Demand

- There are a number of existing public sewer in the vicinity of the project and the nearest sewer main is along Farenholt Avenue and Conga Street located north and east of the property, respectively. There is an unnamed utility easement on the west boundary that could be used as new water service and sewer collector pipes that could be used to service the new subdivision. It is the nearest sewer connection to Governor Carlos Camacho Road that most likely feeds to Hagatna Sewer Treatment Plant at Hagatna Bay.
- 2. It is the responsibility of the developer to consult with Guam Waterworks Authority to determine the sufficiency of the public water and sewer lines nearest to the proposed subdivision to determine the adequacy of existing public water and sewer lines due to the increase in water demand and sewer disposal needs.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by Guam Environmental Protection Agency.

If you have any questions, please feel free to contact my staff at Water Resources Management Program or Water Division Acting Chief Engineer Mr. Johnny Abedania at Tel # (671) 588-4796 or (671) 588-4786, respectively.

Dangkolu na si Yu'us ma'ase'.

Senseramente.

cc: Mr. Joseph M. Borja Executive Secretary

Department of Land Management



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 588.4751 | Fax: (671) 588.4531 | epa.guam.gov ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLÁLALA



BUREAU OF STATISTICS AND PLANS Sagan Planu Silva Yan Emfotrnisian



July 3, 2025

Memorandum

To:

Director, Department of Land Management

Attn: Division of Planning

From:

Director, Bureau of Statistics and Plans

Subject:

Application No. H2025-43 Tentative Subdivision

Location: Lot 2148-3-R8 Municipality: Tamuning

Applicant: Blue Ocean Investment LLC

Proposed Use: R1 Subdivision

Buenas yan Hâfa Adai! I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Comprehensive Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Application Overview

The applicant, Blue Ocean Investment LLC, is submitting a Tentative Subdivision application for Lot 2148-3-R8 to allow for the construction of 38 houses and lots, fully improved with paved streets, sidewalks, water and sewer systems, power, stormwater collection and drainage, landscaping and a playground. The subject lot is located within the municipality of Tamuning with a total area of approximately 23,821 square meters or 5.88 acres.

Planning Considerations and Constraints

A. Surrounding Zone and Land Use Characterization

BUREAU OF STATISTICS & PLANS - GOVERNMENT OF GUAM

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

www.BSP.Guam.Gov

RECEIVED By Cristina at 12:08 pm, Jul 03, 2025

⁵ GCA, CH 1 Article 2, § 1200 et seq. (1990). Note: In past publications, this article was entitled "Centralized Planning"; however, this manifest error has been corrected and the article reads "Comprehensive Planning" pursuant to P.L. 20-147 (Mar. 21, 1990).

Guam Land-Use Policies, Executive Order 78-37 (1978). https://bsp.guam.gov/wp-bsp-content/uploads/2017/01/E/O.-78-37-Guam-Land-Use-Policies.pdf

The subject lot is accessible via an unnamed and unpaved road that connects Governor Carlos G. Cameho Road with Farenholt Avenue in Tamuning. The immediate surrounding area is populated by a mix of commercial establishments such as retail stores, personal service establishments, restaurants, hotels, and single family and multi family homes and apartments in residential areas such as Perezville and Jonestown. Also in proximity are schools, churches, and some major public establishments to include the Guam Memorial Hospital and Guam Behavioral Health and Wellness Center.

The subject lot is located in a "Mixed Use" designated land-use area under the North and Central Guam Land Use Plan (NCGLUP). The NCGLUP (PL 30-244), was adopted as an element of the Guam Comprehensive Development Plan. "The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space."

The proposed use is compatible with the Mixed Use designation under the NCGLUP.

B. Geographical Landscape Assessment Based on Watershed

The subject lot is located on the Agana Watershed and above the Northern Guam Lens Aquifer. This project will contribute to the overall development rate of the Northern Watershed. According to the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (CCAP) land cover data from 2005 to 2015, the surface area of this watershed has changed by 12.67%.6

Regarding development impacts, as of 2015 land cover data, 51.78% of the Agana Watershed was developed, and 29.31% comprises impervious surfaces. An area is at greater risk of flooding the more an area is developed and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts on water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. Impervious surface degrades the watershed quality by greatly reducing the stream flow and increasing the stream temperature. They carry huge pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25%. Runoff effects include channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes, algae blooms,

¹ ICF International, 2009. North and Central Guam Land Use Plan. September. (ICF International #00824.08.) Seattle, WA. Prepared for Bureau of Statistics and Plans—Government of Guam.

^{*} Public Law 30-224 8, Section 4 (2010).

https://guarnicgislature.com/Public Laws 30th/P1, "a2030-224" a208Bill" a20No "a20462-30" a20t1. St. pdf Note: The plan was adopted due to inaction by the 90" day of the of the 31" Guarn Legislature.

ICF International, North and Central Guain Land Use Plan. (2009), 2-3

National Oceanic and Atmospheric Administration, Office for Coastal Management. "C CAP Land Cover Atlas". Coastal Change Analysis Program (C-CAP) High-Resolution I and Cover. Charleston, SC: NOAA Office for Coastal Management. Accessed July 2025 at https://coast.noaa.gov/ccapatlas

noxious odors due to poor water quality, and coral mortality. Moreover, the proposed development and any future improvements in the project area will drastically alter the existing land cover and increase the impervious surface area within this watershed.

The proposed subdivision will drastically alter the landscape for this area and will increase the overall development rate of the Agana Watershed.

Effects Test and Conditions

Technical analysis of the proposed project was conducted to determine foreseeable effects and compatibility to standards within the following Guam Land-Use Policies:

Sustainable Community Development: Policy LU-5 works to "promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures."

Determination of Effects: Yes

The proposed project would allow for the applicant to incorporate some of the aforementioned sustainable measures.

Condition: To the maximum extent practicable, the applicant shall incorporate green building concepts and sustainable community designs in the design and construction phase of the project, incorporate the use of alternative power sources, such as solar powered street lights, water heating, and air-conditioning, and other uses of renewable power sources, and save as many high-value emerging tree species and or replicate the native forests through propagation and outplanting throughout open spaces of the property. Coordination with the Guam Department of Agriculture for the use of preferred native tree species is recommended.

Affordable Housing - Policy H-9: Provide a requirement or incentives for inclusion of affordable housing in larger residential developments. For example, consider a requirement or incentives to provide at least 15% of housing units built at a price affordable to households earning 80% to 120% of local income adjusted for family size. Incentives could include density increases, flexibility in development standards or other measures.

Determination of Effects: Yes

The proposed project is a large residential development with potential to support homeownership opportunities for moderate-income families and meet the housing goals of the North and Central Guam Land Use Plan.

Condition: At least 15% (6 units) of the 38 proposed homes shall be designated as affordable housing units for households earning 80%-120% of Area Median Income (AMI), in alignment with NCGLUP Policy H-9.

Ibid. 3-3

^{*} ICP International. North and Central Guam Land Use Plan. (2009). 2-5

Air-quality Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.¹⁰

Determination of Effects: Yes

The construction activity related to the proposed development has the potential to adversely impact air quality.

Condition: Incorporate Best Management Practices (BMPs) to minimize dust and air pollution such as fugitive particulate matter emissions from ground-disturbing activity and from the operation of vehicles and heavy equipment. Ensure that the surrounding neighborhood is not exposed to noxious odors.

Water Quality Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas.11

Determination of Effects: Yes

The proposed development will contribute to the cumulative negative impact to the water quality within the Agana Watershed and the waters adjacent to the neighboring shore.

Condition: The applicant shall comply with CNMI and Guam Stormwater Management Manual¹² Standards and implement Island Best Management Practices specifications in any future improvements to the property. Concepts, design and performance standards can be found in the GCMP publications 1) Island Stormwater Practice Design Specifications Manual¹³ and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID¹⁴.

Determination

Pursuant to Executive Order 96-26, Appendix A § 700 (g), ¹⁵ the Bureau hereby recommends approval of the tentative subdivision application based on the above-mentioned conditions. If these conditions are not met by the applicant or not included in the Guam Land Use Commission's Notice of Action, this position statement is to be interpreted as a recommendation for disapproval.

Horsely Witten Group. CNMI and Guam Stomwater Management Manual. Prepared for Commonwealth of the Northern Mariana Islands and the Territory of Guam. (2006) Volume 1: https://bsp.guam.gov/wp-bsp-content/uploads/2020/07/StomwaterManual-Volume 1-Final.pdf Volume

https://www.ncei.nosa.gov/data/oceans/coris/library/NOAA/CRCP/project/1906/Feb2014_IslandBMPGuide_wAppendix.pdf

18 Executive Order 96-26 (1996).

https://bsp.guam.gov/wp-bsp-content/uploads/2017/03/E.O.-96-26-Relative-to-Creating-the-Application-Review-Comm.pdf

⁴ Guam Land-Use Policies, Executive Order 78-37 (1978): 3.

¹⁴ Ihid.

^{2:} https://bsp.guam.gov/wp-bsp-content/uploads/2020/07/StormwaterManual-Volume2-Final.pdf

3 Center for Watershed Protection & Horsley Witten Group, Inc.. Island Stormwater Practice Design Specifications. A Supplement to the 2006 CNMI & Guam Stormwater Design Manual. Prepared for NOAA Coral Reef Conservation Program, Quam Coastal Management Program, and Guam Environmental Protection Agency.

^{(2010):}https://www.ncei.noaa.gov/data/oceans/coris/library/NOAA/CRCP/project/1906/island_awm_spees_supplement_cami_guam_design.pdf

***Center for Watershed Protection & Horsley Witten Group, Inc., Stormwater Management in pacific and Caribbean Islands: A Practitioners

Guide to Implementing LID. Prepared for NOAA Coral Reef Conservation Program. (2014):

Should you have any questions regarding this matter, please do not hesitate to contact Mr. Christian Benitez, Planner, at christianpaul.benitez@bsp.guam.gov or Mr. Edwin Reyes, Coastal Program Administrator, at edwin.reyes@bsp.guam.gov. Si Yu'os Ma'āse'.

LOLA E. LEON GUERRERO

Director