

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
DOA Training Room, 2nd Floor, ITC Bldg., Tamuning, GU
Thursday, April 15, 2021 • 9:30 a.m. to 11:00 a.m.

I. Attendance/Roll Call

Chairperson Cruz called to order the regular meeting of the Application Review Committee for Thursday, April 15, 2021 at 9:30 a.m., noting a quorum.

Present were: Chairperson Celine Cruz (DLM), Mary Rose Wilson (DPW), Christian Benitez (BSP), Edwin Reyes (BSP), Jude Calvo (GWA), Brian Hess (GWA), Jeffrey Quitugua (DoAG), Tony Palomo (GPA), and Frank Taitano (DLM)

II. Approval of Minutes

Chairperson Cruz before the committee is the approval of the Minutes from the ARC meeting of March 18, 2021. Members have had the opportunity to review the Minutes, and asked for a motion.

Tony Palomo (GPA) made a motion to approve the Minutes of March 18, 2021.

Chairperson Cruz motion is made by GPA, and asked for a second.

Mary Rose Wilson (DPW) seconds the motion.

Chairperson Cruz noting no discussion, motion is put to a vote. All in favor of the motion to approve say "aye" 6 ayes [DLM, GPA, DPW, GWA, BSP, DoAG], 0 nay. **Motion passed.**

III. New Business

Zone Variance

- A. Application No. 2020-16, the Applicant, Ukudu Power LLC represented by TG Engineers, PC; a request for a Zone Variance for Height for various structures within the proposed 198 MW combined-cycle combustion turbine power plant to be constructed on a portion of Lot No. 5050-1NEW-NEW (Ukudu), in the Municipality of Dededo, in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano

Chairperson Cruz welcomed the applicant's representative to provide a brief presentation to the ARC members.

Joaquin Flores provided a Power Point presentation for the members that included the following:

- Various companies involved in this project to include Kepco-EWP (Ukudu Power, LLC); Guam Power Authority; Black & Veatch; TG Engineers, PC and key supporting contributors;
- Kepco-EWP is the project developer and has been in business since 1898, and is one the world's top 10 power providers with generation capacity of 83.7 GW;

- Responsibilities of the various companies involved with the project. Members were informed that TG Engineers part in this process is to obtain permitting for the Height Variance.
- Mr. Flores provided a video presentation of the power plant's virtual perspective;
- Discusses project site which is located on Lot 5010-1NEW-NEW in Ukudu-Dededo which encompasses about 59.2 acres of leased project area, the subject lot is M-1 zoned pursuant to P.L. 34-102 which authorized the Guam Power Authority to purchase the land, approved by the CCU under GPUC Order Docket 18-14 for a total purchase price of \$10,788,653.00;
- Slides provided overall project scope, site location, project description and plant layout. The Ukudu CCGP consists of three GTG, 3 HRSG, and 1 STG;
- Discussed access and utility easements;
- Engineering drawings to include site plan, plot plan layout, gas turbine, steam turbine, cooling tower, main and by-pass stack, HRSG stack, treated water, fire water and fuel tanks, and structure listing above 30-feet in height;
- Mr. Flores explains the justification for the height variance – stack heights are necessary to achieve USEPA/GEPA clean air emissions limits, and equipment design of the original equipment's manufacturer;
- Mr. Flores stressed that the project compatibility was approved by the 34th Guam Legislature, PUC and CCU. GPA's property purchase included the summary of process/approval; and that P.L. 34-102 was specific to the development of the 198 MW CCGP. The location of the proposed power plant is north of the Harmon Substation, and the surrounding properties are undeveloped private properties. GRMC is about 1,000 feet east and Rt. 34 (Tanguissan Road) to the west. Harmon Substation and other private properties buffer the project site from Marine Corps Drive, and the Micronesia Mall and residential subdivision are on the opposite side of Marine Corps Drive.
- In closing, Mr. Flores comments that the request of the height variance will have a positive impact on public welfare and neighboring property. The new plant will replace the aging and damaged Cabras plants and will provide 3 new 115kv transmission lines which will improve reliability to the island-wide grid. The project site will be fenced for security and safety of the public. The facility traffic will minimally impact the existing traffic load; and lastly, all engineering designs and safety factors complies with current building codes for natural calamities.

Acting Chairman Taitano informed the members and Mr. Flores that Chairperson Cruz had to leave due to another scheduled meeting with the Director. Mr. Taitano opens the floor to the members for questions.

Tony Palomo (GPA) P.L. 34-102, Section 2 authorized the construction and operation of a power generation plant on this property. Mr. Palomo asked what is the application trying to accomplish that is not already authorized by the public law.

Joaquin Flores interpretation of P.L. 34-102, in his discussion with Mr. Taitano, was not clear in the statute whether the height variance was authorized. In the best interest with complying with 61617 and the Zoning Law, KEPCO took it upon themselves to proceed with the height variance application. Mr. Flores believes that there is a legal argument between DLM and GPA's legal counsels to sort this issue out, but have not come to a consensus on how this should be handled, and he will not overstep his authority that the application should be withdrawn because a legal opinion is eminent. His clients have decided that this project should be done right.

Mary Rose Wilson (DPW) the design is based per IBC code 2012.

Joaquin Flores replies that it is based on 2009 IBC code.

Mary Rose Wilson the application notes that the total parcel is approximately 59+ acres and only a portion will be used for the project; and, inquired how far was the power plant from the Guam Regional Medical City.

Joaquin Flores approximately 1000-feet from the boundary, and there is a buffer.

Mary Rose Wilson asked what preventive measures such as natural disasters will be taken to protect the power plant.

Joaquin Flores the design criteria must meet all building code requirements, but had no specific details on how the engineering design will achieve this.

Mary Rose Wilson asked what was the life cycle assessment of the turbine power plant.

Joaquin Flores this is a long term agreement with GPA and supposed to be for thirty-years.

Mary Rose Wilson remaining comments will be noted in the position statement.

Brian Hess (GWA) comments that GWA has no objection to the application; but there are concerns on hazardous waste, and hopes that they will have some sort of monitoring system to indicate that if it should happen, that there is a way to prevent it from going into the public sewer system.

Joaquin Flores responded that the company will be incumbent to put into place pre-treatment systems, and will have to comply with all local laws and requirements.

Edwin Reyes (BSP) Mr. Reyes explains that the area that they will look into is the project's compatibility, and also looking into understanding what those standards are in which the applicant indicated is compatible based on public laws. He further added that the standards they look into for compatibility which is also grounded in public laws, and in this case, there are two laws defining compatibility. Those laws are P.L. 29-62 and BSP's P.L. 12-200 5GCA Chapter 1 Article 2, and the plan that Mr. Reyes refers to is the Northern/Central Land Use plan.

The first step in looking at the compatibility of the project which is located on the leeward shore of Guam, and the land use compatibility for this area and surrounding area is residential. This is a height variance application and when applying all statutes under their authority, their concern is air quality over an area that is designated as high density residential. Mr. Reyes adds that there is a proposed development of three or four residential towers, a resort and hotel, and asked how air quality can be kept within a safe and also non-noxious levels in order not to impact future land use of that area.

Joaquin Flores replied that he cannot speak on modeling requirements of future structures; future structures are not definitive, the modeling that was accepted by USEPA and currently being reviewed by Guam EPA and that will be the determining factor.

Edwin Reyes as the Bureau assesses potential impacts, they will be developing conditions that will hopefully be adopted by the GLUC, and if a federal permit is required it is likely that the same or similar conditions will also need to be applied. The second question that Mr. Reyes asked is what is the noise quality impact for the area should it be developed.

Joaquin Flores responded there is detailed report that was conducted on sound levels and this report can be found in the EIA provided to the members.

[Discussion ensues on noise impacts]

Edwin Reyes lastly, on the visual quality aspect of the height variance, Mr. Reyes asked if any modeling in terms of how this power plant will look from a viewscape from i.e., Adelup, scenic sites or from major roads and asked if Mr. Flores could speak on the visual nature of the plumes that may be discharged from the power plant.

Joaquin Flores there will be no plume discharge. Mr. Flores comments that they had planned to get a Google street view but that has not been updated; so, they are currently working on that image to show impacts from Route 34, Route 3 and Route 1.

[Discussion ensues on visual quality impact]

Jillian Janson (FCC/BSP) is the Federal activities planner and deals also with FCC. Mr. Jenson asked if an operation permit has been applied for or will be applied for.

Joaquin Flores responded that the construction general permit is currently with Guam EPA.

Jeffrey Quitugua (DoAG) there is great concern for the protected species in the area to include migratory birds and how will it be mitigated. During the site visit, none was found but there is always a potential of it occurring. Development of a mitigation plan has to be established in order to prevent the endangered species from using the site for nesting, etc. Mr. Quitugua asked if the height variance request is designed on maximum height.

Joaquin Flores it's based on 196-feet.

Jeffrey Quitugua finding mitigation to prevent bird strikes will need to be addressed.

Joaquin Flores two biological surveys were conducted and both surveys had recommendations for the design and construction of the power plant which are now with KEPCO for consideration on how to mitigate issues that need to be addressed.

[Lengthy discussion ensues]

Acting Chairman Taitano in reference to the fact that the plant is taking wastewater from GWA, and using that water to cool the power plant and the power plant will be discharging the plant's wastewater back to GWA sewer treatment plant, Mr. Taitano asked if there was going to be a significant difference in volume that may benefit GWA.

Joaquin Flores there will be more of a draw than a discharge. Mr. Flores added that anything received from GWA will be turned into pure water or treated because it will be used for cooling and will be recycled on site.

[Lengthy discussion ensues]

Acting Chairman Taitano any further discussion and/or questions.

Jude Calvo (GWA) in response to Mr. Taitano inquiry, Mr. Calvo comments that there will be an increase in volume.

Joaquin Flores inquired what the process is for ARC deadlines for submittal of position statements.

Acting Chairman Taitano based on the new requirements, the ARC members have 30-days to submit a position statement, and they also have the privilege of requesting for an extension which is up to 45-days.

Noting no further discussion, Acting Chairman Taitano moved onto the next item on the agenda.

IV. Approval of ARC Agenda

Acting Chairman Taitano before the members for approval is the ARC agenda for the next meeting scheduled for Thursday, May 6, 2021, and it is final. Mr. Taitano was ready to entertain a motion.

Tony Palomo (GPA) made a motion to approve the ARC agenda of May 6, 2021.

Jeffrey Quitugua (DoAG) seconds the motion.

Acting Chairman Taitano motion is made by GPA, seconded by DoAG; all in favor of the motion say "aye" [DLM, GPA, DoAG, BSP, DPW, GWA], all opposed say "nay."

[Motion passed; 6 ayes, 0 nay]

V. Administrative & Miscellaneous Matters

Acting Chairman Taitano noting no further business for discussion, Acting Chairman Taitano asked for a motion to adjourn.


VI. Adjournment

Edwin Reyes (BSP) makes a motion to adjourn today's meeting, seconded by Jeffrey Quitugua (DoAG); with all in favor.

The regular meeting of the Application Review Committee for Thursday, April 15, 2021 was adjourned at 11:00 a.m.

Approved by:

Date approved:


Frank P. Taitano, Acting Chairman
Application Review Committee

5.6.2021

Transcribed by:


M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

APPLICATION REVIEW COMMITTEE

Committee Attendance Sheet

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

MEETING: ☒ Regular Thursday, April 15, 2021 ☐ Special _____

Time: 9:30am Adjournment: 11:00am

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairperson)	
2 DPW/Vertical	(Member)	Maryze N/cm
DPW/Horizontal	(Member)	
3 Guam EPA	(Member)	
Guam EPA	(Member)	
4 Bureau of Statistics & Plans	(Member)	Edwin Reyes
Bureau of Statistics & Plans	(Member)	Christian Benitez
5 Department of Agriculture	(Member)	Jeffrey Gutierrez
6 Guam Waterworks Authority	(Member)	Brian Hess
Guam Waterworks Authority	(Member)	Jude Calvo
7 Guam Power Authority	(Member)	Tony Palomo
8 Department of Parks & Recreation-HPO	(Member)	
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 _____

Celine Cruz, Chief Planner _____

Frank Taitano, Planner IV _____

Penmer Gulac, Planner IV _____

M. Grace Vergara, Planner III _____

Sonoga Gogue, Planner II _____

M. Cristina Gutierrez, WPS II _____



Application Review Committee

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

AGENDA

Thursday, April 15, 2021 @9:30 a.m.
Department of Administration Training Room
2nd Floor, ITC Bldg., Tamuning

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, March 18, 2021

III. New Business

Zone Variance

- A. Application No. 2020-16, the Applicant, Ukudu Power LLC represented by TG Engineers; is requesting for a Zone Variance for Height for various structures within the proposed 198 MW combined cycle combustion power plant, to be constructed on a portion of Lot No. 5050-1NEW-NEW in Ukudu, in an "M-1" (Light Industrial) zone, in the Municipality of Dededo.
Case Planner: Frank Taitano

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, May 6, 2021 – Final
B. GLUC Regular Hearing, Thursday, May 13, 2021 – Tentative

V. Administrative & Miscellaneous Matters

VI. Adjournment



Application Review Committee

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

AGENDA

Thursday, May 6, 2021 @9:30 a.m.
Department of Administration Training Room
2nd Floor, ITC Bldg., Tamuning

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, April 15, 2021

III. New Business

PUD Amendment

- A. Application No. 2020-38, the Applicant, Grand Harvest, Inc. represented by FC Benavente, Planners; is requesting for an amendment of its PUD Master Plan on a portion of the property within the "PUD-C" zone to a "PUD-R2" zone, for the proposed construction of a twelve-unit multi-family apartment building, on Lot 5050-1-2-3, in the Municipality of Tamuning. Case Planner: Frank Taitano

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, May 20, 2021 – Tentative
B. GLUC Regular Hearing, Thursday, May 27, 2021 – Tentative

V. Administrative & Miscellaneous Matters

VI. Adjournment



GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairperson Arthur D. Chan, Jr.
Commissioner Leilani R. Flores

Commissioner Brian K. Artero
Commissioner Nonito V. Blas, Jr.

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

THURSDAY, May 13, 2021 @1:30 p.m.

Department of Land Management

Video Conference – Zoom Platform

[As advertised in the Guam Daily Post – May 6th, 2021 and May 11th, 2021]

Zoom Meeting ID: *** * *****

Passcode: *****

- I. **Notation of Attendance** ☐ Quorum ☐ No Quorum

- II. **Approval of Minutes**
 - GLUC Regular Meeting Minutes of Thursday, April 22, 2021

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

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

- V. **Administrative & Miscellaneous Matters**

- VI. **Adjournment**

