

May 31, 2011

Governor Benigno R. Fitial
Lt. Governor Eloy S. Inos
Rep. Ramon A. Tebuteb, Chairman, SNILD
Rep. Joseph M. Palacios, Committee Chairman, JGO SNILD

Dear Governor Fitial, Lt. Governor Inos, Rep. Tebuteb & Rep. Palacios:

As a concerned citizen of the CNMI I would like to comment on House Local Bill # 17-26 S1, introduced by Representative Stanley Torres. This bill will drastically change the future landscape of the island of Saipan and has far reaching ramifications affecting property values and the quality of life of all residents and visitors. It will basically undo any and all improvements that zoning has accomplished over the last three years. Essentially it will kill zoning in everything but name, which I am sure is the intent.

As a resident, a voter, and a former zoning board member, I am appalled at the amount of time and effort spent on proposed legislation to undermine the legally established role of a specific governmental agency. It is irresponsible to introduce legislation without articulating the reasons for the legislation or providing an impact analysis to quantify any impacts and effects the legislation might result in. At this juncture in time when the CNMI's economy is in desperate need of recovery I would expect our elected leaders to concentrate on important issues and ideas that will be of benefit in the long run. There are no quick fixes.

As I stated earlier, this bill will drastically impact zoning and will change the landscape of the whole island of Saipan. We will be basically back to the anything-goes mentality of the past. I would now like to address some specific impacts of this bill:

Rezoning Along Paved Thoroughfares

"Section 3. Amendment. Notwithstanding any other provision of the Saipan Zoning Law of 2008, all areas that border any and all major paved thoroughfares 600 feet from the centerlines on either side of such street that are not zoned "MC" Mixed Commercial are hereby rezoned to "MC" Mixed Commercial. This provision does not apply to "IN" Industrial zoned areas." Please refer to the attached road system map. In my opinion this

one sentence will effectively rezone the neighborhoods of 90% of the residents of Saipan to Mixed Commercial. Some permitted uses allowed in a Mixed Commercial zone will be auto shops, heavy equipment and machinery shops, gas stations, barracks, septic system services, retail construction material suppliers, pawnshops, farms, contractor's offices and storage yards, manufacturing facilities, processing plants, and warehousing.

By rezoning all lands within 600 feet of paved roads to Mixed Commercial (regardless of compatibility with surrounding areas) several zoning districts are eliminated, specifically:

- 1). **Beach Road Zoning District.** This district from Garapan all the way to Chalan Monsignor Guerrero Road at the Microl Toyota intersection is eliminated.
- 2). **Tourist Resort Zoning District.** This district in Garapan from American Memorial Park all the way to PIC in San Antonio is eliminated. Note that this results in permitted density actually being reduced in many cases.
- 3). **Garapan Core.** This district, from the fire station to parts of Hyatt Hotel to Fiesta Hotel to Winchell's Donuts is eliminated.
- 4). **Garapan East.** This district, from the Beach Road/Micro Beach Road intersection at American Memorial Park to Garapan Elementary School is eliminated.

These four zoning districts were incorporated into the Zoning Law by way of the **Garapan and Beach Road Revitalization Master Plan** which was prepared for the Zoning Office by the Maker Architecture and Urban Design firm back in 2007 (available on the zoning website under publications). This plan included work session participants from the community as well as elected officials, and was paid for by federal grants from OIA, Department of Interior and local funds. So basically a land use plan for our most important tourism asset, prepared by experts after much consultation with all members of the community, is being thrown out with no justification as to why.

New Allowable Uses

Section 4 in the bill "Table of Allowable Uses" dramatically changes all of the different uses in each zoning district, especially RURAL and PUBLIC RESOURCE. **The end result is that almost all land uses are permitted in these two zones with virtually no conditional uses.** Permitted means exactly that. Virtually anything is permitted, as a right. No public hearings will be required. I myself live in a rural zone. Most of the land in Saipan is currently zoned as rural. While my property does not front a paved road I am only approximately 150 feet from the road (that would be within the 600 foot boundary). If any of my neighbors on all four sides of me decides to establish an auto repair shop, barracks, asphalt or concrete plant, slaughterhouse, factory, machinery, sheet metal, welding, or dry cleaning shop there is nothing I can do because they will all be permitted

uses. A lot of people live in the rural zoning district whose quality of life will be greatly impacted by this bill. This bill shows no respect or regards for the future of this island, its people, its environment, its beauty, and most importantly its main and perhaps only substantial potential industry, tourism.

The Public Resource Zoning District, which includes our parks, trails, beaches, museums, cultural centers, tourist sites, memorials, historic sites, wetlands, habitat, and water supplies will now permit such uses as barracks, nightclubs, auto repair shop, asphalt or concrete plant, contractor's office & storage, mining, gas & fuel wholesale, junkyard, slaughterhouse, factories, processing plants, warehousing, general wholesaling, incinerators, sanitary landfill, garbage transfer stations, wastewater plants, and construction material yard. Almost every use is now permitted in public resource areas. This means that anyone can establish an auto repair shop on Suicide Cliff, next to the Grotto or Bird Island areas, or any beach coastal area without any public hearings because it is a "Permitted" use. Why are we doing this? What is the rationale of this destruction?

This bill is also convoluted with conflicting provisions that it don't make sense. Several examples are:


Section 2., e) Saipan Official Zoning Map Sheet 13 of 29 will rezone the area immediately above CHC leading to Manual A. Sablan, Evergreen Property to Grace Christian Academy, including the Vocational Rehabilitation and Domestic Violence Center on....from "Rural" to "Village Commercial". This rezone will change the area from Rural to Village Commercial, but in this same bill under Section 3, all properties within 600 feet of the Navy Hill Road centerline will be rezoned to "Mixed Commercial". So which rezone takes precedence?

Another conflicting example in the bill is Section 4, Article 4, Section 404 Allowable Uses in Zoning Districts, Table 1. Adult business will be "Permitted" under the "Beach Road Zoning District" but Section 3 in this bill will eliminate the Beach Road Zoning District. Also, there are numerous technical mistakes in the bill. For example, the route numbers for Sugar King Road, Navy Hill Road, and Kagman Road are all misidentified.

In closing, I would like to appeal to all of you to oppose this bill. **Do not be fooled by the language. It is not the intent of the bill to improve the zoning process. It is the intent of the bill to kill zoning.** Members of the Saipan Delegation will be remiss in their duties if they do not insist that the author of this bill explains its purpose. It will be a travesty for the island of Saipan and its residents if this bill passes. If we value our way of life and the future of Saipan, then we should protect it and not destroy it. Let the Zoning Office utilize its expertise to do its job to recommend the amendments to the zoning law. No one believes that the current law is perfect. Work to make it better, not

just to destroy what has been accomplished. The author of this bill was instrumental in killing zoning 20 years ago. The excuse then was that it (zoning) was killing development. So what did we gain by rescinding zoning 20 years ago? Just more third world style development. We like to throw around the term "world class". The "world class" projects that have occurred in Saipan in the last 20 years can be counted on one hand. Although we like to think otherwise, there is no shortage of islands in the world with sandy beaches. Personally I would like to see Saipan become the Bermuda of the Pacific; orderly, clean, and prosperous. Others appear to want to see Saipan become the Haiti of the Pacific. It's time to stop worrying about the special interests or self-interest of a few and make a commitment once and for all to support orderly growth.

Sincerely,

A handwritten signature in cursive script, reading "Herminia M. Fusco".

Herminia Matsumoto Fusco

cc: CNMI Zoning Board Members
Zoning Administrator

