



Saipan & Northern Islands Legislative Delegation
Twenty-Second Northern Marianas Commonwealth Legislature
Third Senatorial District

P.O. Box 500129
Saipan, MP 96950

Senator Vinnie F. Sablan, Chairman • Representative John Paul P. Sablan, Vice Chair • Representative Sheila J. Babauta, Floor Leader

STANDING COMMITTEE REPORT NO. **22-20**
DATE: MARCH 30, 2022
RE: House Local Bill 22-22

Senator Vinnie F. Sablan
Chairman
Saipan and Northern Islands Legislative Delegation
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Chairman:

Your Committee on Zoning, to which the following was referred:

H. L. B. No. 22-22:

“To amend the Saipan Official Zoning Map sheet 05 of 29 to rezone certain districts to “Mixed Commercial”; and for other purposes”

begs leave to report as follows:

I. RECOMMENDATION:

After reasonable discussion and deliberation on the bill, the Committee recommends that the Delegation pass House Local Bill 22-22 in the form of Substitute 2.

RECEIVED
04/08/2022
@ 4:00 p.m. *Sheila*

II. ANALYSIS:

A. Purpose:

The purpose of House Local Bill 22-22 is to amend the Saipan Official Zoning Map sheet 05 of 29 to rezone certain districts to "Mixed Commercial" and for other purposes.

B. Committee Findings:

Your Committee finds that Auto Rental Business establishments have expressed their desire to open their respective business establishment on the island of Saipan. Furthermore, some of them have entered into a lease agreement with the Department of Public Lands (DPL). However, in the process of securing land that is deemed suitable for such operations, many of these lands are designated as districts that do not permit Auto Rental Business establishments. Your Committee finds that this type of unfortunate circumstance should be dealt with properly. It is important to formulate a solution that would benefit both the Commonwealth and the respective businesses.

Your Committee also finds that the CNMI is in the process of economic revitalization. Cognizant of the ongoing pandemic, we are constantly trying to compose different ways for economic stimulation. Furthermore, the CNMI currently has a system in place that aims to slowly open up our borders for incoming and outgoing flight passengers, both tourists and residents alike. Your Committee recognizes that this is an opportunity for Auto Rental Businesses to provide services to both tourists and residents. Furthermore, your Committee finds that it is imperative to make necessary amendments to the Saipan Zoning Law in order to allow for such businesses to conduct their operations in zoning districts that initially prohibit such business activities. In the event that our borders finally open without any restrictions, such businesses will be readily available.

It is the intent of the Committee to amend the proposed legislation based on the recommendations made by the Saipan Zoning Office. First, the Committee agreed to amend the legislation by updating the language of the bill to be consistent with the present version of the Saipan Zoning Law. Next, the Committee agreed to avoid the occurrence of "spot zoning" by amending Section 404, Table 1 of the Saipan Zoning Law in order to allow for all Auto Rental Businesses to be conducted in appropriate zoning districts all throughout the island of Saipan. Lastly, the Committee agreed to allow for "Auto Rental Office with storage, staging, and service on site" operations to be allowed for conditional use in "Village Commercial" zoning districts rather than "Village Residential" zoning districts. Hence the need to amend the previously adopted Substitute 1 version to fix the miscommunication between the Committee and the Saipan Zoning Office. Therefore, your Committee recommends that the Delegation pass House Local Bill 22-22 in the form of Substitute 2.

C. Public Comment(s):

The following comments were received:

- The Honorable David M. Apatang, Mayor, Municipality of Saipan (SNILD Mayor's Communication 22-27)

The SNILD Standing Committee on Zoning conducted a Public Hearing on Tuesday, February 22, 2022 at 5:00PM at the Marianas High School Cafeteria in Susupe, Saipan on the

subject of House Local Bill 22-13 and House Local Bill 22-22, S1. Oral comments were received from the following individual:

- Roman C. Benavente, Private Citizen

The individual did not orally state his position.

D. Legislative History:

House Local Bill No. 22-22 was formally introduced to the full body of the House on September 23, 2021 by Rep. Joseph Lee Pan T. Guerrero and was subsequently transmitted to the Saipan & Northern Islands Legislative Delegation. Subsequently after transmittal, the proposed legislation was referred to your SNILD Standing Committee on Zoning for disposition. After deliberation, the Committee passed the legislation in the form of Substitute 1. After further deliberation and clarification from the Saipan Zoning Office, the Committee passed the legislation in the form of Substitute 2.

E. Cost Benefit:

The enactment of House Local Bill 22-22, S2 will result in minimal additional costs to the CNMI Government in the form of additional staff and resources to ensure proper compliance. However, the benefits of allowing Auto Rental Businesses to conduct operations in "Village Commercial" zoning districts heavily outweigh the costs.

III. CONCLUSION:

Your Committee recommends that the Delegation pass House Local Bill 22-22 in the form of Substitute 2.


Respectfully submitted,



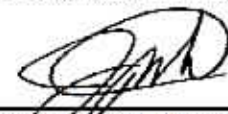
 Rep. Leila H.F.C. Staffler, Chairwoman



 Rep. Christina M.E. Sablan, Vice Chairwoman




 Rep. Joel C. Camacho, Member



 Rep. John Paul P. Sablan, Member



 Rep. Denita K. Yangetmai, Member

Reviewed by:


 Legal Counsel

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2021

SECOND REGULAR SESSION, 2021

H. L. B. 22-22, S2

**A LOCAL BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT**

To amend Table 1, under Section 404 of the Saipan Zoning Law of 2013, as amended, to allow for "Auto Rental office with storage, staging and service on site" for conditional use in "Village Commercial" zoning districts; and for other purposes.

BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT

**DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF
THE COMMONWEALTH CODE:**

1 SECTION 1. FINDINGS AND PURPOSE.

2 The Delegation finds that a certain business establishment entered into a
3 forty-year lease agreement with the Department of Public Lands in establishing an
4 Auto Rental Business. Pursuant to the specified lease agreement, the property to
5 establish such business is located in a "Village Commercial" zoning district.
6 Despite such agreement, the Delegation finds that the specified lots are currently
7 designated as zones that do not permit such operations within such districts.
8 Cognizant of the various economic developments occurring throughout the island

1 of Saipan, it is appropriate to amend Table 1, under Section 404 of the Saipan
2 Zoning Law of 2013, as amended, to allow for Auto Rental Businesses to be
3 allowed to conduct their businesses operations within such zoning districts.
4 Furthermore, Auto Rental services will be conveniently available to residents and
5 businesses within these districts.

6 Therefore, the purpose of this Act is to amend Table 1, under Section 404
7 of the Saipan Zoning Law of 2013, as amended, to allow "Auto Rental office with
8 storage, staging and service on site" for conditional use in "Village Commercial"
9 zoning districts and for other purposes.

10 **SECTION 2. AMENDMENT.**

11 Table 1, under Section 404 of the Saipan Zoning Law of 2013, as amended,
12 is hereby amended by adding new uses on respective districts to read as follows:

13 *"Auto Rental office with storage, staging and service on site shall be*
14 *allowed for conditional use in "Village Commercial" zoning districts."*

15 **SECTION 3. SEVERABILITY.**

16 If any provision of this Act or the application of any such provision to any
17 person or circumstance should be held invalid by a court of competent jurisdiction,
18 the remainder of this Act or the application of its provisions to persons or
19 circumstances other than those to which it is held invalid shall not be affected
20 thereby.

21 **SECTION 4. SAVINGS CLAUSE.**

1 This Act and any repealer contained herein shall not be construed as
2 affecting any existing right acquired under contract or acquired under statutes
3 repealed or under any rule, regulation or order adopted under the statutes. Repealers
4 contained in this Act shall not affect any proceeding instituted under or pursuant to
5 prior law. The enactment of the Act shall not have the effect of terminating, or in
6 any way modifying, any liability, civil or criminal, which shall already be in
7 existence on the date this Act becomes effective.

8 **SECTION 5. EFFECTIVE DATE.**

9 This Act shall take effect upon its approval by the Governor or its becoming
10 law without such approval.

Prefiled: 09/07/2021

Date: 09/07/2021

Introduced by: /s/ Rep. Joseph Leepan T. Guerrero

Reviewed for Legal Sufficiency by:

/s/ Jose Bermudes

Legal Counsel

Attachments:

- SNILD House Communication 22-23;
- SNILD Mayor's Communication 22-27;
- Voting Record to adopt Substitute 1 version of House Local Bill 22-22; and
- Voting Record for passage of House Local Bill 22-22 in the form of Substitute 2.



Hse. Comm. 22-23
(SNILD)

House of Representatives

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950

October 29, 2021

The Honorable Vinnie F. Sablan
Chairman
Saipan and Northern Islands
Legislative Delegation
Twenty-Second CNMI Legislature
Capitol Hill
Saipan, MP 96950

THE OFFICE OF
SENATOR VINNIE F. SABLAN
DATE: 10/29/21 @ 3:15 pm
REC'D BY: Jhe'

Dear Mr. Chairman:


I have the honor of transmitting for Delegation action, H. L. B. No. 22-22, entitled: "To amend the Saipan Official Zoning Map sheet 05 of 29 to rezone certain districts to "Mixed Commercial"; and for other purposes.", which has met the required provision of 1 CMC Section 1403, as amended.

Sincerely yours,


Linda B. Munia
House Clerk

Attachment

Transmittal to the Saipan & Northern Islands Legislative Delegation

Received by:  Date: 10/29/21 Time: 3:15 pm



David M. Apatang
Mayor of Saipan

Mayor's Corrim. **22-27**
(SNILD)

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE MAYOR**

MUNICIPALITY OF SAIPAN
CTC Building, 2799 Teer Drive Suite A, Oleari
P.O. Box 501457 Saipan, MP 96950



Tel: (670) 234-6208 • Fax: (670) 234-1190 • Email: saipanmayor@mos.gov.mp

November 1, 2021

The Honorable Vinnie F. Sablan
Chairman
Saipan and Northern Islands Legislative Delegation
Twenty-second Northern Marianas Commonwealth
Legislature
Capitol Hill, Saipan MP 96950
VIA PERSONAL DELIVERY

**THE OFFICE OF
SENATOR VINNIE F. SABLAN**
DATE: 11/3/21 @ 9:30am
REC'D BY: [Signature]

Re: Comments on House Local Bill Nos. 22-22 and 22-27

Dear Mr. Chairman:

We received the above-numbered local bills via email from Ms. Frances Joan P. Kaipat, Delegation Clerk, on October 29, 2021, with a request to comment on them. Thank you for the opportunity to offer our comments on the bills.

House Local Bill No. 22-22

While this bill raises potential questions of spot zoning, as the findings section explicitly described a lease agreement entered into by a lessee and lessor providing for the lessee to use the leased property to operate a car rental business in a zoning district that does not permit such business, it cautions us to say whether we can support the bill. But because we do not have the history that led to the drafting of the bill, for example, an application for rezoning, name of applicant¹, record of public hearings, review and findings of the Zoning Board, etc., we are without basis to either support or oppose the passage of the bill.

Rezoning can potentially raise questions about spot zoning. We believe the Zoning Board would be the proper agency to guide the delegation in deciding what to do with the bill. Because the findings of the legislature, to us, is explicit that the rezoning is simply to appease a lessee and not to effect a change in land use on the basis of the public's best interest, we are wary to even say the bill can muster support to ward off claims of illegal spot zoning. For example, we believe the rezoning is intended to benefit solely a lessee and not others, although the findings of the delegation sparsely utters that individuals living in the area to be rezoned might readily avail of the services of the car rental business.

¹ The bill lists five lots to be rezoned and all five, without verifying on our own if in fact they are, are public lands, which pushes us to ask if the applicant for the rezoning is the lessee or lessor, which we would assume would be the Department of Public Lands.

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@ 9:20 am

Challenges to spot zoning will mount when the rezoning take the likeness of according special treatment to one. Because the part in the legislative findings expressing that individuals would not have to travel great distances to rent a car and that siting the car rental business in proximity would be a convenience to those that want to patronize it, such statement, to us, is conclusory and not based on facts. For all we know, prospective car rental customers would prefer renting from a company that would offer them the best deal, like, newer, better cars and lower daily rates and other perks.

We want to share one last observation about the bill in this comment. Because the lots identified in the bill are leased public lands and given that the custodian of our public lands has an adopted comprehensive land use plan, the potential for claims of illegal spot zoning is heighten or will be heighten when the proposed rezoning is inconsistent with the public land agency land use plan. But, again, we would defer to the Zoning Board to guide the delegation in deciding what to do with the bill.

We do not express support or objection to the passage of the bill merely because we found the bill insufficient in its findings to persuade us to decide one way or another.

House Local Bill No. 22-27

This is an appropriation bill that, upon enactment, would authorize the allocation of \$4,000,000.00 for two purposes, i.e., \$500,000.00 for the Saipan Higher Education Financial Assistance program, and \$3,500,000.00 for various projects, programs, and activities in the Third Senatorial District. We find the bill reasonable and support its passage.

Thank you for receiving our comments on House Bill Nos. 22-22 and 22-27.

Sincerely,



DAVID M. APATANG
Mayor, Municipality of Saipan

**SNILD STANDING COMMITTEE ON ZONING
SAIPAN & NORTHERN ISLANDS LEGISLATIVE DELEGATION
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: 02/09/22

MOTION: TO ADOPT THE SUBSTITUTE 1 VERSION OF HOUSE LOCAL BILL 22-22 WITHOUT FORMULATING A COMMITTEE REPORT.

MOTION OFFERED BY: Rep. Christina M.E. Sablan

MOTION SECONDED BY: Rep. Joel C. Camacho

	NAME	YES	NO	OTHER
1	Chair Leila Haveia Fleming Clark Staffler	X		
2	Vice Chair Christina M.E. Sablan	X		
3	Representative Joel C. Camacho	X		
4	Representative John Paul P. Sablan			Excused
5	Representative Denita Kaipat Yangetmai			Excused
	TOTAL	3		

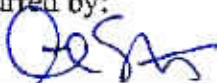
(VOICE) ACTION TAKEN: Chair declares that the "ayes" have it and the motion is carried.



Cameron Nicholas, House Legislative Assistant

Date: 04/01/22

Concurred by:



Rep. Leila C. Staffler, Chair

Date: 4/5/22

**SNILD STANDING COMMITTEE ON ZONING
SAIPAN & NORTHERN ISLANDS LEGISLATIVE DELEGATION
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: 03/30/22

MOTION: TO PASS HOUSE LOCAL BILL 22-22 IN THE FORM OF SUBSTITUTE 2.

MOTION OFFERED BY: Rep. John Paul P. Sablan

MOTION SECONDED BY: Rep. Joel C. Camacho

	NAME	YES	NO	OTHER
1	Chair Leila Haveia Fleming Clark Staffler	X		
2	Vice Chair Christina M.E. Sablan	X		
3	Representative Joel C. Camacho	X		
4	Representative John Paul P. Sablan	X		
5	Representative Denita Kaipat Yangetmai	X		
	TOTAL	5		

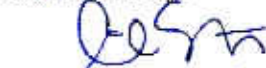
(VOICE) ACTION TAKEN: Chair declares that the "ayes" have it and the motion is carried.



Cameron Nicholas, House Legislative Assistant

Date: 04/01/22

Concurred by:



Rep. Leila C. Staffler, Chair

Date: 4/5/22