

On My Mind  
8/14/09

Saipan's local zoning law, having gone through more than two decades of arduous debate, prolonged deliberation and undue delay, finally became law on December 5, 2008. Now, less than a year later, it is already under attack - from, seemingly, both sides - from those it is meant to help and protect, and from those who created it.

Representative Stanley Torres leads the attack from those it is meant to help and protect - that is, the community. He has filed House Local Bill 16-39 calling for suspension of the zoning law for a period of six months, to correct what he calls the "unintended consequences" of the bill. The bill itself does not spell out the particulars. Nor has Torres been willing to discuss them. He has only said the Code is unfriendly to business.

Moreover, despite repeated invitations from the Board Chairman and the Zoning Administrator to these invisible, unknown, allegedly unhappy business persons, not a single individual has yet come to meet with the Board, to discuss his or her perceived difficulties. Instead, they have continued to hide behind the shield of Torres' relentless attacks in the media.

Naturally, there has been much speculation as to just what the problem may be, who the complainants are, what their "beef" is. Is it the adult business sector, having trouble finding a home outside Garapan? Is it the poker machine sector, feeling threatened by Code provisions? Marginal entrepreneurs, frustrated at not being able to do business as usual? Foreign developers who do not care about the local ambience? - though how suspending the Zoning Code for just six months would help them is not at all clear.....

Leave it to the coconut wireless to come up with something more believable: that if the Zoning Code were suspended for six months, all the developers, builders, businessmen who've come up with ideas that violate the Zoning Code could go ahead and do so without penalty, and then, when the Zoning Code was re-instated six months later, claim that their illegal projects should be "grandfathered" in as pre-existing conditions. Isn't that clever?

These applicants, it should be pointed out, are not dealing with "unintended consequences." They've known the consequences all along. What they are doing is searching for a way around the limits and restrictions - so that they can benefit - regardless of the effect on the rest of the community.

Development of the Zoning Code involved years of hearings, meetings, negotiation, rewriting, compromise. Over the years, everyone was given multiple opportunity to air his/her concerns, to work with the zoning board members and staff, to offer suggestions and revisions. Without better definition, there is, therefore, little credibility to the claim that there are "unintended consequences." What's more likely is that there is an unwillingness to cooperate with the community at large, and to take into account the well-being of all, the future of this island.

Like so many other of Torres' random attacks provoked by personal interest of one

sort or another, this one has no real basis, and should, therefore, be ignored - remembering, of course, that this is an election year.....

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The other attack on the Zoning Code would appear to be coming from the Zoning Board itself. With the Code not even a year old, the Board seems to have decided that it needs revision, and is launching a series of activities, presentations, and hearings for the purpose of asking how the Code should be "updated," or "revised" or made more suitable to the island.

It was a long hard struggle to get the Zoning Code to the point where everyone was willing to sign off on it - from community members to the local delegation to the governor. That goal was finally achieved, after much "blood, sweat and tears," eight months ago.

It spells out height restrictions, open corridor requirements, set-backs, signage controls, parking ratios, sound and lighting restrictions and a whole host of related conditions that new developments must meet in support of island beauty, community enhancement, visitor attractiveness.

Laying on the newest rage in mainland landscape design - "Smart Codes" - as would appear to be the intent of the Zoning Board - does not seem appropriate here. The Smart Code is mainland urban-, suburban-focused. Wikipedia defines it as a "unified land development ordinance template for planning and **urban design**." (emphasis added) The CNMI, let alone Saipan, is a far cry from an urban area.

Rather, it would seem that, new as it is, the Code should be given an opportunity to mellow. Like a new pair of shoes, it needs to be "broken in," - worn a bit to see how and where it fits, whether there are problems, whether those problems are real, whether the mechanisms provided in the Code are not adequate to take care of minor adjustments. The community needs to give it a chance to show what it can do.....

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Short takes:

The governor has finally appointed his representatives to the negotiation team that is supposed to come up with ways for the government to pay off the court-ordered arrears that have built up in its debt to the Retirement Fund - along with two attorneys. Let's hope the function of the attorneys is not to find ways of delaying the procedure, but ways of expediting it. The longer the delay, the higher the total indebtedness.....

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Rejection of the any one of the Commonwealth Association of Retired Persons' recommendations for the empty seat on the Retirement Board by the governor is a real slap in the face to the Retirement Fund members. As reported in the *Saipan Tribune* today, CARP submitted three names to the governor, after taking a poll of its members. The governor rejected them all. Guess the governor feels his new appointee will bring

him more votes than any of the CARPs' nominations.....

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More than 100 candidates for office! The *Marianas Variety* opines, in today's editorial, that it is all the power and the perks that tempt people to run for office. I wonder if it isn't much simpler: it's a job, and security, and it doesn't require very much work. It would be nice if more office seekers ran for office because of the office's "ability to direct the development of the commonwealth, [and] grow or shrinking the size of government," rather than because of its ability to "direct contracts, [and] employ or withhold employment from individuals," but it is difficult to believe that that is what motivates them all. If they really cared, would the CNMI be in the mess it is in?

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Speaking of messes, I really liked the articles by Dr. Edward Cornett that appeared in the *Trib* on 8/04 and 8/07. Dr. Cornett, according to the paper, is a former chairman of Emergency Medicine and director of Medical Affairs at CHC. (I had to call to verify that he is not still Director of Medical Affairs - the article does not make that clear - but apparently he's no longer on the staff.) The articles are straightforward, factual, informative, offering an abundance of specific detail. The question is: is anyone listening? More importantly: is anyone doing anything about it? It would be nice to hear something different from CHC than, "yes, the new dialysis center will be opening soon."

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We mourn the passing of Dr. Rita Inos. What an inspiration, what a model she was - in her life, in her career, in her battle with cancer. A truly outstanding woman!

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We also mourn the passing of the Gonzalo Q. Santos, creator of feisty Tan Candelaria, sparring partner in his writings.

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May they both rest in peace.