

AIRPORT ZONING BOARD
Minutes of Regular Meeting
Wednesday, November 26, 1952

A regular meeting of the Airport Zoning Board was held in the Conference Room of the Hawaii Aeronautics Commission, Overseas Terminal, Honolulu International Airport, on Wednesday, November 26, 1952, at 10:30 a.m.

Present: Mr. George Houghtailing, Chairman
Mr. O. V. Andrew, Member
Mr. C. J. Pietsch, Jr., Member

Attending:
Mr. Mark E. Martin, Manager, Honolulu Airport
Mr. Richard K. Sharpless, Deputy Attorney General
Mr. Randolph M. Lee, Acting Director, HAC
Mr. Guy A. Murray, CAA
Mr. Walter McGuire, United Air Lines
Mr. Meyer, United Air Lines

MINUTES: The Minutes of the meeting held September 5, 1952, under "Board Action", were corrected to read as follows:

"Mr. Andrew moved that a clause be added to the Zoning Regulations providing a blanket requirement that any person proposing to construct a structure more than 150 feet above ground level, and outside airport zoning boundary areas, any place in the Territory, must obtain a permit."

The Minutes were then approved as corrected.

PROPOSED ZONING REGULATIONS: Mr. Sharpless, Deputy Attorney General, stated that the second draft of proposed Zoning Regulations, under discussion, was the result of collaboration between Mr. Martin and himself, and that, wherever possible, they had attempted to follow exactly the language of the applicable statute (Act 182, S.L.H. 1945). He said that they had tried to cover the following points: (1) Establishment of Airport Hazard Areas; (2) Establishment of Zones within each particular Hazard Area; (3) Regulations with respect to certain activities within these Hazard Areas. Mr. Sharpless added that Airport Zoning Board Regulations may apply to land use and height of structures. He pointed out the difficulty of indicating in words only, these particular zones, and added that they had attempted to cover this point by both illustration and description in words. *

Mr. Martin stated that in going over Act 182, it had been found that the Zoning Board could not restrict heights in any area unless a Hazard Area had been established; therefore, the proposed establishment of Hazard Areas, as well as regulations pertaining to the activities in these areas. *

Mr. Sharpless informed the Board that rules and regulations established by the Airport Zoning Board are a form of legislation, inasmuch as the Legislature delegated this power to the Board.

In the course of reviewing the proposed Rules and Regulations, Mr. Houghtailing inquired whether or not height limitations as indicated in these Regulations would supersede those of any other agency found to be in conflict. Mr. Sharpless said that they would and indicated that this is specifically covered by Section 4 of the Act.

Mr. Houghtailing expressed the feeling that if there is any conflict the agencies concerned should be notified, in order to keep height limitations as uniform as possible.

The matter of existing non-conforming structures was discussed. It was pointed out that the Board's regulations could not require existing non-conforming structures to conform; that this would come under the jurisdiction of the Hawaii Aeronautics Commission, and the Hawaii Aeronautics Commission could either negotiate for conformance or condemn the facility in question.

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To Mr. Andrew's question as to whether or not the Zoning Board has the authority to regulate heights of structures in zones around military areas, Mr. Sharpless replied that the Board does if the land is not the property of the U. S. Government. He added that the military has sole jurisdiction over U. S. Government land but that he felt the military would probably be willing to cooperate, if the need arose.

Mr. Martin questioned the Board's authority to restrict land use where no hazard to aircraft exists, but where a hazard to groups of people may exist. Mr. Sharpless read from Act 182 and then commented that it appeared that the Airport Zoning Board had the power but that it would have to be determined whether or not such regulation goes beyond the intent of the Act.

Mr. Martin asked that the regulations be tentatively approved at this time, inasmuch as there is a 90-day waiting period before a public hearing can be held and interested parties can file recommendations any time up to 30 days before the hearing. The Board felt, however, that organizations and persons interested should first be consulted for their recommendations.

Mr. Andrew moved that the Director of Aeronautics be requested to mail copies of these proposed Rules and Regulations to all interested parties and to those organizations required by law, and that on December 15th at 3:00 p.m. the Board held an informal meeting to discuss these Rules and Regulations, in order to give everyone an opportunity of appearing informally to present their recommendations. Motion seconded by Mr. Pietsch and carried.

ADJOURNMENT: Meeting adjourned at 11:45 a.m.

Respectfully submitted,


George Houghtaling, Chairman