

MINUTES OF MEETING OF THE AIRPORT ZONING BOARD
 Held on Thursday, September 4, 1958
 In the Office of the Airport Manager
 Honolulu International Airport, Honolulu, Hawaii

Present : Mr. George K. Houghtailing, Chairman
 Mr. Olen V. Andrew, Member
 Mr. Lin San Lai, Member

Also Attending: Mr. A. R. Carreira, Hawaiian Electric Co., Ltd.
 Mr. K. Kami, Hawaiian Electric Co., Ltd.
 Mr. Stephen Nahl, Hawaiian Electric Co., Ltd.
 Mr. Mark E. Martin, Hawaii Aeronautics Commission
 Mr. Gilbert L. Livingston, Hawaii Aeronautics Commission

The meeting of the Airport Zoning Board was called to order by the Chairman, Mr. George K. Houghtailing, at 10:10 a.m., in the Office of the Airport Manager, Honolulu International Airport, Honolulu, Hawaii.

The minutes of the meeting held on January 9, 1958, were approved as circulated.

Mr. Martin advised that the most critical matter for consideration by the Airport Zoning Board is the Hawaiian Electric Company's desire to install pole lines to serve the new industrial area at the corner of Nimitz Highway and Lagoon Drive. He stated that, although no formal request for a variance had been received, the staff of the Hawaii Aeronautics Commission recommends variance in the zoning for the northerly land approach to Seaplane Runway 14-32 (Sealane "D") in order to process not only Hawaiian Electric Company's requirements but also the requirements of others. He explained that the recommendation is based on the fact that Seaplane Runway 14-32 (Sealane "D") has been officially closed by the Navy to any landing traffic in either direction and to aircraft taking off to the north and the fact that a mauka Runway 8, which was proposed at the time Honolulu International Airport was zoned, is not going to be built in the foreseeable future. He added that the Civil Aeronautics Administration, airport users, Navy, Air Force, and civil airlines have all expressed that they have no objection to the closing of Seaplane Runway 14-32 and changing the zoning accordingly. He further added that, although the sealane is not normally used, the situation must be handled by a variance because the area has been legally zoned.

In reply to Mr. Houghtailing's question as to whether or not HAC is going to insist on underground wiring for the area surrounding the airport, Mr. Martin stated that there is no supporting legal justification to require underground wiring as long as the poles meet the criteria established by recognized authority (such as the CAA) and that this variance does meet CAA requirements.

Mr. Andrew suggested eliminating the runway from the zoning regulations instead of granting a variance. However, Mr. Martin advised that HAC is not prepared to go through with the amendment of the zoning regulations at the present time because there is extensive rezoning that has to be accomplished eventually (to take into consideration Runway 7, Hickam, which has been permanently closed; the mauka Runway 8 which was proposed but which is not going to be built in the foreseeable future; and the zoning for new runways proposed in the master plan as soon as the locations have been determined) which will require hearings, formal notifications, etc.

Mr. Houghtailing stated that, although the variance is in order, he felt that the wiring should be installed underground to eliminate any possible hazard and that the Hawaiian Electric Company should also be concerned about this matter.

Mr. Carreira advised that, when a request is received from a customer for an installation, then the Hawaiian Electric Company prepares an estimate of the cost involved; that the customer, not Hawaiian Electric, decides whether he would like to have an overhead or underground installation.

It was moved by Mr. Andrew, seconded by Mr. Lai, and unanimously voted that the variance be granted on the basis that it meets the criteria and that the HAC and its staff give consideration in the over-all planning of the area to place all power lines underground if economically feasible.

Mr. Martin reported that a reply was received from the Attorney General's Office regarding (1) the zoning of areas surrounding military airfields and (2) the Airport Zoning Board's power to regulate use (in the sense of prohibiting uses which would generate large assemblies of people, etc.) of land surrounding the airport; and that the Attorney General's comment was that these questions were answered in an opinion written by Deputy Attorney General Sharpless in 1953.

Mr. Martin explained that the military organizations have not followed up on the matter of zoning land areas adjacent to military airports but the biggest problem is the question of who would be financially liable in case a lawsuit should develop; that the Attorney General's opinion indicated that the Zoning Board has the legal right to zone military airfields but the opinion did not give any clarification or indication as to financial liability; the military organizations were asked this question and they did not have an answer for it.

Mr. Martin pointed out that Mr. Sharpless' opinion indicates that the zoning of lands around military airports is not a definite violation of the statutes and the decision to zone the areas is administrative, not legal.

Mr. Houghtailing stated that, if the decision is administrative, the responsible party to make the decision is the Hawaii Aeronautics Commission. He added that a statement from HAC should be requested so that the AZB would not be accused of neglecting to carry out its responsibility. He further added that, if the HAC is not ready to assume the financial responsibility that accompanies zoning, the areas should not be zoned; that the AZB should notify the HAC that it does not feel obligated to zone an area where there is no commitment on the part of government to finance any monetary obligations. Mr. Houghtailing went on to say that the military organizations do not have zoning laws of their own and that, if the records show that the military want certain areas zoned, the Zoning Board has an obligation to either zone the areas or give valid reasons why it cannot do so.

It was moved by Mr. Andrew, seconded by Mr. Lai, and unanimously voted to have a resolution prepared stating that the Airport Zoning Board recognizes its responsibility to zone military airfields; however, in view of the financial obligations which might result, the AZB feels that the matter should be presented to the HAC with a request that the HAC state whether or not it will be willing to assume the responsibility of financing any obligation that might be incurred by zoning around military airfields.

The meeting was adjourned at 10:50 a.m.

Respectfully submitted,


George K. Houghtailing, Chairman