

AIRPORT ZONING BOARD  
PUBLIC HEARING  
Wednesday, April 1, 1953

A public hearing of the Airport Zoning Board was conducted in the Conference Room of the Hawaii Aeronautics Commission in the Overseas Terminal Building, Honolulu Airport, on Wednesday, April 1, 1953, at 2:38 p.m., presided over by Mr. Houghtailing.

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

Attending: Mr. R. M. Lee, Acting Director, HAC  
Mr. Mark E. Martin, Airport Manager, Honolulu Airport  
Mr. Clifford Tsuruda, Draftsman, HAC  
Maj. R. L. DeBord, Hq. PACD, MATS  
Mr. M. H. Gray, Hq. PACD, MATS  
Lt. Col. R. H. Johnson, MATS-AF  
Mr. Robert L. Johnson, Star-Bulletin  
Lt. E. Kuczynski, Hq. PACD, MATS  
Mr. F. Lee, City Planning Commission  
Mr. Guy A. Murray, CAA  
Lt. Col. F. P. Nolan, MATS-AF  
Maj. Ray C. Shoemaker, Hq. 1500th ABW  
Mr. H. Yabusaki, 1500th Inst. Sq.

- Mr. Houghtailing: "This meeting was called for the purpose of discussing the proposed airport zoning regulations, copies of which have been circulated to interested parties. The notice of this meeting for public hearing was published in the Advertiser on March 15, 16, 17, in compliance with the statutory requirements. The Airport Zoning Regulations are in compliance with the requirements outlined in the Session Laws of Hawaii 1945 under Section 4935. We should have some discussion on Section 4935.02 and 4935.01. I suggest that in this meeting we also cover those two sections. Before proceeding to call on the audience to speak, I would like to ask Mr. Martin to outline briefly the restrictions as proposed by the Airport Zoning Board."
- Mr. Martin: "Mr. Chairman, this is the same group represented at a previous meeting. I don't believe it is necessary to go into very much detail. In general we can say that our regulations follow very close to CAA's standards. There are one or two exceptions which wouldn't cause undue hardship of any kind. I would much prefer to answer questions as we go into details of discussion. I am not sure all of them have seen the map....On this map one can look into any area he chooses and, by following these aerial contours, determine the allowable heights above sea level." A copy of the map was circulated. "We are doing the same for all airports covered in the proposed regulations."
- Mr. Houghtailing: "Any questions?"
- Col. Johnson: "What is the length of the approach zone for Hickam's runway No. 25 under these regulations?"
- Mr. Martin: "We carry the approach zone for Hickam's Runway 25 out only 10,000 feet because it intersects other zones anyway. However the approach zone for Hickam's Runway 7 extends all the way out toward Barber's Point, a total length of 50,000 ft."
- Col. Johnson made a request for the inclusion of "areas adjacent to certain existing military fields with reference to general zoning criteria." The fields named were Bellows, Barking Sands, Wheeler, and Dillingham. "I don't see anyone from the Navy here. I think they have a similar situation, not referring to property within military boundaries but to areas around the airports."
- Mr. Pietsch: "We are presuming that they will take care of that (meaning military property) themselves."

Minutes, April 1, 1953 — 2

- Col. Johnson: "Along that same line I would like a few words added to the first paragraph to indicate that these regulations can also apply to civilian areas adjacent to military air fields, active or inactive."
- Mr. Pietsch: "The definition of 'airport' in the Act could include any air field."
- Mr. Andrew: "In case we do that it would be necessary to spell out these airports in Section No. 4."
- Mr. Martin: "We can automatically designate any airports we choose."
- Mr. Pietsch: "That would be No. 12, 13, 14, and 15 in regulation 4 of our regulations."
- Col. Johnson: "I don't know how the Navy feels on this subject."
- Mr. Houghtailing: "If the military people feel that it is desirable, we can include the Navy...We would be glad to communicate with them to find out if they would agree to the Air Force proposal. Would that be in order?"
- Mr. Pietsch: "Of course. We feel that it should be done whether they ask for it or not. It is for the safety of the aircraft."
- Mr. Martin pointed out that inclusion of military airports will require a great amount of work, mapping, etc. He therefore suggested accepting the present regulations and covering the military by amendment at a later date.
- Mr. Houghtailing: "With the assistance of the military authorities, would it take too long?" He asked if thirty days would be sufficient.
- Mr. Andrew: "I am inclined to concur with Mr. Martin on this. I believe we would be doing well to go ahead with this now and cover military airports by amendment....It would be desirable to zone civilian areas around military airports if we are going to do it for the civilian. It is just as hazardous one place as it is another."
- Mr. Houghtailing concurred and added that other airports could be added from time to time.
- Mr. Lee: "Wouldn't we find ourselves in a position, when mapping these areas around military installations, of using restricted materials?"
- Mr. Houghtailing: "Can you answer that question?" (to Col. Johnson)
- Col. Johnson: "I do not think that we would be able to classify anything that pertains to civilian."
- Mr. Pietsch suggested that the Army and Navy sections be blanked out. "In order to assist you people in establishing the zoning regulation you would have to be sure that it would be followed...you will have to start from runways."
- Col. Johnson: "The only points you need to show would be the ends of the runways."
- Mr. Andrew: "The best way to approach this would be for us to make it clear that we will zone the civilian area around any military establishment when so requested by the military authorities and in such cases they would have to supply maps, etc."
- Col. Johnson made no commitment due to lack of Navy representation at this hearing.
- Mr. Martin pointed out that we must (according to the act) establish definite zones and that general or comprehensive coverage is not adequate.
- Mr. Lee quoted from the Act the definition of airport as being "any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes."

Minutes, April 1, 1953 -- 3

- Mr. Houghtailing commented that since "all airports are operated in the interest of the public, military or otherwise" they should not be excluded. He then asked the audience for further statements.
- Col. Johnson: "If there is any doubt as to whether 'public' would include military, it might be well to get a legal opinion."
- Mr. Lee: "Doesn't public mean general? Military is not in the interest of the general public--only military use. Public can not get in there."
- Mr. Houghtailing: "How could they be established unless it is for the public interest?"
- Mr. Murray: "That is one for the lawyer. There is a lot of use being made of the terminology public and civil airports. I am a little bit inclined now to agree with Mr. Lee. The public has no jurisdiction and use of the military airports."
- Mr. Lee pointed out that the board was established to regulate only areas as defined in the law.
- Maj. DeBord asked for clarification of the purpose of the board.
- Mr. Houghtailing thereupon quoted Section 4935.02.
- Mr. Lee at this point requested a clearer definition of "airport."
- Mr. Houghtailing: "There is a conflict of opinion. Probably we might have to get this amended while the legislature is in session so that it will be all comprehensive."
- Mr. Andrew: "We should instruct the HAC to get an opinion from the Attorney. If military fields can not be included, he should draw up a bill to introduce to this legislature. We should get the bill in soon."
- Mr. Houghtailing: "We will get that clarification and we will recommend legislation if required. Any further questions?"
- Mr. Murray reminded the board that some consideration might be given to the "possibility" of being able to zone around privately owned commercial airports if such airports served a public need.
- Mr. Houghtailing: "Any airports that might be in public interest whether privately or publicly owned should be covered by zoning regulations."
- Mr. Murray: "If a commercial airport out here was closed out, HAC might have to go out there and take its place. As long as the commercial airport serves the public need, there is no need for HAC support." Mr. Murray also added that whatever decision we make "will be setting the pattern for the future."
- Mr. Houghtailing: "We should take care of the present and the future."
- Mr. Pietsch: "There is too much zoning already."
- Mr. Andrew: "We shouldn't zone all airports. For example, I see no reason to go to the expense and trouble of zoning Port Allen." He stated that "we should stick to the present regulations and if other airports come up that need zoning, cover them by amendments."
- Mr. Pietsch was in favor of excluding the ones out of action.
- Mr. Houghtailing assured that he would try to include only the significant ones.
- Col. Johnson: "Could I ask in broad terms if any effort was made in these regulations to limit the use of the hazard areas?"
- Mr. Houghtailing stated that the provisions Sections 4935.02 and 4935.03 are being included.

Minutes, April 1, 1953 -- 4

Col. Johnson then read a short paragraph from Armed Forces Regulation No. 86-3 which recommended the control of land uses such as those generating larger gatherings, for examples, churches, schools, theaters, etc.

Mr. Houghtailing, speaking as an individual, stated that he prefers to include these regulations and would obtain an attorney's opinion since to date no clearly defined opinion exists.

Mr. Pietsch: "Lights, smoke, and electrical disturbances to aircraft are covered in our regulation 9."

Mr. Houghtailing cited the New Jersey accident and stated that the board should not be a party to consenting to building apartments in the vicinity of the airports.

Col. Nolan, making reference to the quotation made earlier by Col. Johnson, stated that the lack of zoning could have been the cause of the N. J. tragedy and requested that a ruling be had by the Attorney regarding land use.

Mr. Andrew: "We intend to get a legal opinion on this subject. We want to be able to regulate the assemblies of people in hazardous areas. If we find that we are not able to do so under the law, I believe it was agreed that we would ask the Director to prepare a bill to be presented to the legislature." He remarked that the board will be guided by everyone's desires, military as well as CAA.

Mr. Houghtailing suggested that rather than close the hearing, members take matter, including land use, under advisement until another day set aside for the continuation of this meeting.

Mr. Andrew: "I suggest that I would like to have Mr. Martin's recommendation on the matter. It seems to be better to get the current regulations started because we can always amend it later on."

Mr. Houghtailing's reluctance to follow the above suggestion was based on the assumption that any amendment would entail public hearing. He suggested postponing the meeting for two weeks during which time an opinion may be procured.

Mr. Andrew: "I believe it will take just as long to wait and put it in as it will to amend it."

Mr. Martin agreed, stating that so drastic a change should require a new hearing, waiting periods, written recommendations, etc., in order to give everyone an opportunity to be heard.

Mr. Andrew: "Let's get the regulations running and then amend them; amendments will become part of the regulations."

Mr. Houghtailing: "Suppose that we adopt these regulations without the 'use' restrictions and the Parks Board goes ahead with plans for a park right here at the end of Honolulu Airport's runway? Also, as far as we know, the Damons' may be wanting to build in that area. No regulations can be made retroactive. Whatever we do, we must first get a clear-cut opinion as to whether the land 'use' referred to in the Act is all inclusive or meant to apply to hazards to flight only."

Mr. Andrew was opposed to tabling the matter.

Mr. Houghtailing suggested that a meeting be held within two weeks, the decision to be incorporated in the rules and regulations.

Mr. Martin requested that no formal action be taken until the attorney could be consulted.

Mr. Andrew: "If we make some slight changes in this, we do not have to hold a new public hearing. For any controversial changes, we should go through a public hearing."

Mr. Murray: "If you desire, I would be glad to send a letter to our attorney in Washington and inquire if he knows of any situations similar

Minutes, April 1, 1953 -- 5

to yours on land use. He has a very wide scope of experience....  
If there are any instances like this, his advice might be helpful."

- Mr. Andrew: "That would be valuable information."
- Mr. Houghtailing: "How long before you can get an answer?"
- Mr. Murray: "Probably about two weeks."
- Mr. Pietsch: "I think we should go ahead with this."
- Mr. Lee: "We gave notice of public hearing on the airport zoning regulations. If you make changes of proposed regulations, they have no kick."
- Mr. Houghtailing: "If we close the hearing today and try to bring in the land use, we will be running afoul."
- Mr. Martin: "We distributed the draft. Those people who didn't come were apparently satisfied. However, they might have objected to additional use restrictions."
- Mr. Pietsch mentioned that they felt satisfied with the regulations as circulated but might object to any changes. "We shouldn't close the hearing. Take two weeks and Sharpless can bring something in here. Then everything will be covered in this hearing-- necessary additions and amendments."
- Mr. Lee: "Because of the legislature, he was unable to attend today."
- Mr. Lee suggested deferment of the land use question.
- Mr. Pietsch: "Time is of the essence. We've been two years; Mr. Murray knows...because he (CAA) has some money held back because of this...."
- Mr. Andrew agreed.
- Mr. Pietsch: "I move for the adoption of these regulations with the addition as stated by the Chairman at the start of the meeting."
- Mr. Andrew seconded.
- Mr. Houghtailing: "We will adopt it in principle subject to amendments and changes as were brought up. We will have a corrected copy before we give formal approval."
- Mr. Andrew: "We will hold action in abeyance not to exceed two weeks."
- Mr. Houghtailing: "A week from today, we will meet to adopt rules and regulations with the corrections as were discussed at this meeting. We will get an opinion if those can be incorporated without another hearing, amendments to follow...."
- Mr. Andrew moved to approve the minutes of the last meeting as circulated.
- Seconded by Mr. Pietsch, the motion was carried.
- The hearing was adjourned at 3:42 p.m.

At a business meeting held following the hearing, Mr. Pietsch made a motion to increase the appropriation for maps, aerial photos necessary on outlying airports be raised from \$3200 to \$4500. Seconded by Mr. Andrew, the motion was carried unanimously.

Respectfully submitted,

  
George Houghtailing, Chairman