

ORIGINAL

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Ref. No. P-10977

June 14, 2005

To: P. Roy Catalani, Esq., Chairperson
Land Use Commission

From: Laura H. Thielen, Director
Office of Planning

Subject: Kauai ATV, LLC
Request for Amendment
Special Permit SP-2001-5
TMK: 2-9-001: por. 1
2-9-002: por. 1
3-4-006: por. 1
3-4-001: por. 1

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LAND USE COMMISSION
STATE OF HAWAII

The Office of Planning supports the decision of the Kauai Planning Commission to approve the request by Kauai ATV, LLC to amend Special Permit SP-2001-5 to allow:

1. The expansion of use and additional structures within a previously approved staging area.
2. The expansion of commercial recreational activities involving the increase and change of vehicles for guided All Terrain Vehicle (ATV) tours.
3. Water activities in the Waita Reservoir.
4. Two paintball parks.
5. A speedball tournament field.

The amendments were approved subject to ten (10) conditions.

EXISTING OPERATION

The Applicant's existing operation and activities were approved under the existing Special Permit, Use Permit and Class IV Zoning Permit and includes the following:

1. A staging area near the Koloa Sugar Mill covering approximately 18,000 square feet (150 ft. x 120 ft.).

Structures:

- 32 ft. x 20 ft. steel containers
- 20 ft. x 30 ft. tent
- 9 ft. x 40 ft. steel container
- Portable toilets
- Customer parking area

2. Existing Tours:

- Single-operator All Terrain Vehicles (ATV)
- Five-passenger type vehicles
- Maximum four (4) tours per day with a maximum of fourteen (14) ATV vehicles per tour

PROPOSED AMENDMENT REQUEST (See OP Exhibit 1)

The following changes and additions are proposed:

1. Structures

- 34 ft. x 715 ft. former military trailer
- 40 ft. x 14 ft. former Postal Service trailer for storage of equipment and parts
- 8 ft. x 16 ft. service shed with wooden deck joining the two trailers mentioned above.
- 20 ft. x 40 ft. mechanics aluminum dome shelter
- 20 ft. x 60 ft. aluminum vehicle storage building

2. ATV Tours

- Six (6) tours daily using single-person ATVs with a maximum of 14 ATVs per tour
- Four (4) tours per day using multi-person ATVs with a maximum of 10 multi-person ATVs per tour
(There will be a maximum of 124 vehicles per day. If all vehicles were filled to capacity, the maximum number of riders would be 200 persons.) The routes will be the same as approved in the initial special permit.

3. Waita Reservoir Tour
 - Double hull Hawaiian sailing canoe tour (maximum four (4) tours per day with a maximum of 212 persons per tour).
 - Sailing lessons on two-person laser sailboats with a maximum of four (4) sessions per day using five (5) sailboats per session.
 - Rental of kayaks and canoes
 - 20 ft. x 6 ft. floating dock
 - Four (4) picnic tables with roofs
 - 230 square foot storage shed
 - Ten (10) passenger pontoon boat and jet ski for safety and security.

4. Two Paintball Parks and a Speedball Tournament Field
 - Makai Park (6 acres)
 - Mauka Park (4 acres)
Two events per day at each park with a maximum of 25 participants per event.
 - Speedball Tournament Field (3 acres)
Four (4) tournaments per year, 100 to 200 persons per tournament

In total, the proposed amendment request would accommodate 432 customers per day on approximately 22,000 acres of land and is a significant increase in use as compared to the existing operation. Existing cane haul roads and trails will be used.

The Planning Commission approved the request to amend the subject permits on March 8, 2005 but placed limits as follows:

1. The use of the Waita Reservoir was limited to 128 persons per day.
2. The ATV tours consisting of single-person and multi-person vehicles were limited to a maximum of 200 persons per day.
3. The Paintball parks were limited to a combined total of 100 persons per day.
4. The Speedball Tournaments were limited to no more than four (4) events per year with a maximum of 200 persons per tournament.

The Planning Commission limits are in concert with the applicant's total projections in the number of customers per day.

The Office of Planning supports the recommendation of the County Planning Commission for approval of the request to amend the subject special permit to allow for the expansion of use and additional structures within a previously approved staging area and expansion of commercial recreational activities involving the increase and change of vehicles for

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guided ATV tours, water activities in the Waita Reservoir, two paintball parks, and a speedball tournament field.

We note that the Department of Land and Natural Resources further recommends that private ATVs be allowed to utilize the existing canehaul roads and trails as part of the commercial recreational package. Such accommodations will lessen the numbers of ATVs that are causing damage and generating complaints by unregulated use of public natural areas and private lands.

Thank you for the opportunity to provide these comments.

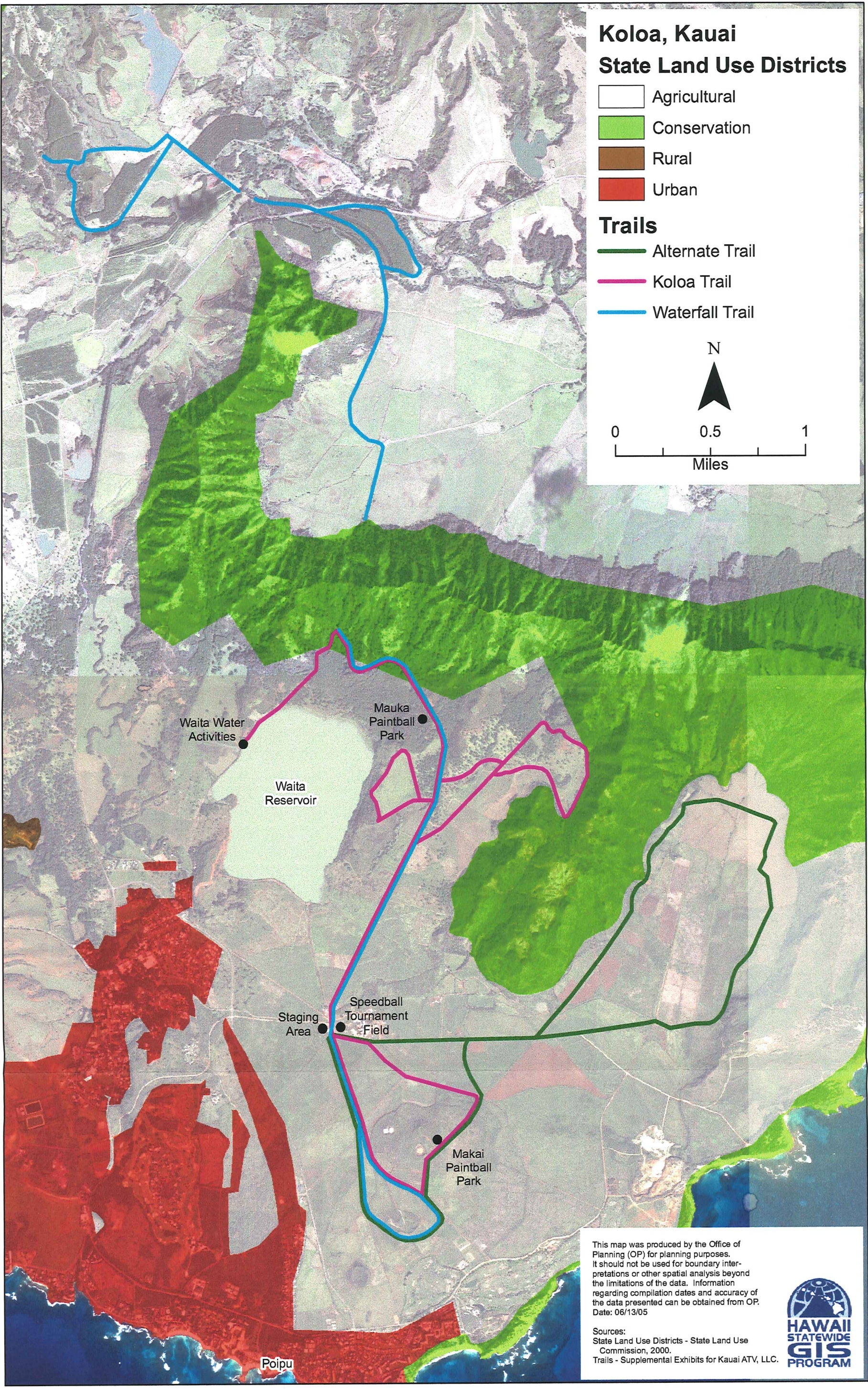
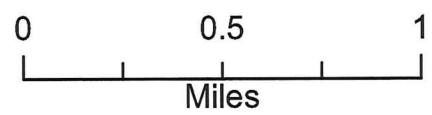
Koloa, Kauai State Land Use Districts

- Agricultural
- Conservation
- Rural
- Urban

Trails

- Alternate Trail
- Koloa Trail
- Waterfall Trail

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This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP. Date: 06/13/05

Sources:
State Land Use Districts - State Land Use Commission, 2000.
Trails - Supplemental Exhibits for Kauai ATV, LLC.

