



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai a Ho'omāka'ika'i

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August 11, 2023

Accounting
Kaua'i ATV LLC
P.O. Box 800
Kalāheo, HI 96741

SUBJECT: SP05-399 Kaua'i ATV LLC

Dear Business Owner:

Per a phone call conversation with LUC Staff on Friday, August 11, 2023, we are resending this letter. Understanding that the counsel that represented the Petitioner in 2005, is no longer representing Kaua'i ATV LLC.

The Land Use Commission ("LUC") recently received an inquiry from the public about the status of Special Permit SP05-399 Kaua'i ATV LLC.

The last annual report we have on file is dated December 30, 2010. It sets forth that the Applicant had submitted a request to the Kaua'i Planning Commission on November 3, 2010, seeking a five-year extension to the Special Permit.

It also represented that the application for extension of time had been accepted for processing by the County, but no hearing date had been set by the Kaua'i Planning Commission.

LUC staff could not locate any further updates in the file to report what had occurred during and after the Kaua'i Planning Commission review of this issue.

The public caller also reported that recreational activities were currently being conducted on the property and that they were seeking further information from the County on whether these activities were permissible.

This matter is of concern to the LUC as the SP05-399 State Special Permit has expired and no current LUC permit is in effect to authorize any operations being conducted in the Petition Area and adjoining properties, or to permit the use of all-terrain vehicles on land in the Agriculture District. LUC Staff is aware that the Backroads ATV Adventure

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Tour is 15 miles long, which appears to be over 15 acres making this a State Land Use Commission matter.

The LUC requests you to respond to this letter with a comprehensive update on this matter, including the status of activity on the property, maps or routes of the available tours, and any information on an SP issued by the County for this activity.

Should you have any questions, please contact LUC planner Scott Derrickson, AICP, at (808) 587-3921 or via email at scott.a.derrickson@hawaii.gov.

Sincerely,



Daniel Orodener
Executive Officer
Land Use Commission
State of Hawai'i

CC: Kaua'i Planning Commission c/o Ka'āina Hull
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