

NOTICE OF LAND USE COMMISSION MEETING
Hybrid Meeting – April 23, 2025
AGENDA

DATE: April 23, 2025
TIME: 9:30 a.m.
VIRTUAL: <https://us02web.zoom.us/j/81327298875?pwd=rtosafqDKr8lEUyAEjDVqQmbzjFY4N.1>
LOCATION: The Arc of Hilo
1099 Waianuenue Ave, Hilo, HI 96720

1. **Call to Order**
2. **Status Update and Possible Action on Docket No. SP73-159 Toyama Gardens dba Nani Mau Gardens (Hawai'i)**

Discussion and action (if necessary) on the status and progress report concerning compliance with the 10th Amendment to the Land Use Commission Special Use Permit Decision and Order issued on December 4, 2009.

Files pertaining to this docket are available at: <https://luc.hawaii.gov/sp73-159>

Parcel information: TMK No. 2-2-048:013, approximately 23.793 acres located in Waiākea, South Hilo, Hawai'i.

3. **Report on Ninth Circuit Court Final Decision on DW Aina Le'a Development, LLC v. State of Hawai'i Land Use Commission**

The United States Court of Appeals for the Ninth Circuit Court issued a memorandum (<https://files.hawaii.gov/luc/docs/Memorandum.pdf>) on February 19, 2025, affirming the district court's ruling in favor of the State of Hawai'i Land Use Commission in the case brought by DW Aina Le'a Development, LLC.

Pursuant to Section §92-4 & §92-5, HRS, the Commission may go into Executive Session in order to consult with its attorney(s) on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

4. **Approval of Minutes for February 19, 2025**
Meeting Minutes are available at: <https://luc.hawaii.gov/meetings/2020s>
5. **Tentative Meeting Schedule**
6. **Adjournment**

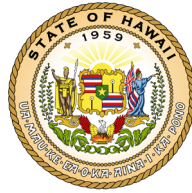
NOTE: Agenda items may be taken out of order.

Participating Virtually via Zoom. You may be asked to enter your name or email. The Commission requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous.

Join the Zoom Webinar:

April 23, 2025: <https://us02web.zoom.us/j/81327298875?pwd=rtosafqDKr8lEUyAEjDVqQmbzjFY4N.1>
(Webinar Passcode: 0423 Webinar ID: 813 2729 8875 Dial-In Number: +1-646-568-7788)

If the connection is lost during the meeting, the meeting will be on hold until the connection can be re-established.



Oral Public Testimony. Oral testimony (in-person or via Zoom) will be limited to two minutes for each testifier per agenda item. To sign up for oral testimony via Zoom please use the Q&A feature during the scheduled meeting. If you intend to provide in-person oral testimony, please attend at the meeting location indicated on the agenda

Written Public Testimony. You may submit written testimony Online: <https://luc.hawaii.gov/testimony>, Mail: State Land Use Commission, P.O. Box 2359, Honolulu, HI, 96804-2359, or Email: dbedt.luc.web@hawaii.gov. To ensure the Commissioners have time to review your written testimony, we suggest that it reaches us at least 24 hours before the scheduled meeting.

§92-4 & §92-5 Executive Meetings. During the scheduled meeting, the Commission may elect to go into Executive Session for reasons limited to those set forth in section 92-5(a), HRS, including in order to consult with its legal counsel on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

§92-7.5 Board Packet. Meeting materials for this session are available for public viewing on the LUC website at <http://luc.hawaii.gov>, or in person at the LUC office located at 235 S. Beretania Street, Room 406, Honolulu, HI 96813. The Board Packet typically includes the draft minutes and staff report for the docket(s) listed above. In accordance with §92-7.5, these documents will be posted at least two business days prior to the scheduled meeting.

Special Assistance. If you need an auxiliary aid/service or other accommodation due to a disability, please contact the State Land Use Commission at (808) 587-3823 or dbedt.luc.web@hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.