HLU Committee

From: Sherwyn Payne <sherwyn@4cornersoftware.com>
Sent: Wednesday, July 29, 2026 3:41 PM
To: HLU Committee
Subject: Testimony re: rezoning and TVR – 10 Walaka Street (TMK (2) 3-9-016:019)
Attachments: County Planning .pdf

You don't often get email from sherwyn@4cornersoftware.com. Learn why this is important

Housing and Land Use Committee Members,

My name is Sherwyn Payne, and I own and live at 10 Walaka Street, Kihei (TMK (2) 3-9-016:019). The property is zoned A-2 Apartment and has three dwellings; I live in one and rent the other two as short-term rentals.

I understand that under Resolution 26-110, CD1, the Council recommended rezoning certain apartment-zoned properties under single ownership, among other categories, to allow continued Transient Vacation Rental uses. I am submitting this testimony to ask that 10 Walaka Street be considered for inclusion in a council-initiated change in zoning resolution.

I have not received any direct contact or mailed notice from the County informing me that my property will be affected by Ordinance 5909. I have been watching Bill 9 and Bill 88 because of how much they can affect owners like me. I did not realize there was a way for properties not on the Minatoya/Exhibit 1 list to ask for consideration to rezone until I recently spoke with Councilmember Cook's office.

A few points about my property:

- It is an older A-2 apartment parcel with three units built in 1966; no extra units have been added since.

- The previous owner held GET and TAT licenses at this address for many years, and I opened my own GET and TAT accounts when I bought the property in 2021 so I could continue the same use.

- The Department of Planning has confirmed that 10 Walaka Street is allowed to be used as a transient vacation rental, and I bought the property relying on that and its long history of lawful TVR use.

- 10 Walaka is not on the June 27, 2024 "Apartment District Properties Allowed to be Used for Short-Term Occupancy" list that appears as Exhibit 1 to Resolutions 26-110 and 26-111, even though similar apartment properties in my area are listed there.

The price I paid for 10 Walaka and the ongoing costs (mortgage, taxes, insurance, and maintenance) make it difficult for me to cover those costs with long-term rents that an average local household could reasonably pay. Based on my numbers since purchasing the property in 2021, it has not been practical to use 10 Walaka as affordable "workforce" or long-term housing.

Properties like mine:

- Are under single ownership.

- Have a long, documented history of lawful TVR use and tax compliance.

- Were not included on the original Minatoya/Exhibit 1 list, even though they are similar to many of the properties that were listed.

For these reasons, I respectfully ask that 10 Walaka Street be considered for a council-initiated change in zoning resolution. I have attached the Department of Planning letter I received before purchasing the property in 2021, which I relied on in understanding that transient vacation rental use was permitted at that time.

Thank you for your time and consideration.

Sincerely,
Sherwyn Payne

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 1, 2015

Kenny Louis
340 Kiele Street
Wailuku, Hawaii 96793

Dear Mr. Louis:

SUBJECT: PROPOSED TRANSIENT VACATION RENTAL USE LOCATED AT 10 WALAKA STREET, KIHEI, MAUI, HAWAII, TMK: (2) 3-9-016:019

Thank you for your letter requesting confirmation that the existing buildings on the subject property may be used as a transient vacation rental (TVR). According to the original building permits submitted by the requestor, the subject property has 3 dwellings consisting of 1,344 square feet of floor area each. The subject property is located in the County's A-2 Apartment District.

Pursuant to Ordinance 4167 (2014) which amended §19.12.020, Maui County Code (MCC), the subject project is exempt from the prohibition of transient vacation rentals in the apartment district provided the project received a valid building permit, special management area (SMA) use permit, or planned development approval on or prior to April 20, 1989.

According to Maui County's Development Services Administration building permit records, the three existing buildings (Dwelling, Guest Cottage #1, and Guest Cottage #2) on the subject parcel were built with building permit nos. B1635, B1636, and B1637 issued on 12/29/1966. Therefore, the buildings at 10 Walaka Street are allowed to be used as transient vacation rentals.

However, the TVR use is limited to the scope of the original building permits (B1635, B1636, B1637) as approved. Also, TVR use shall not extend to any part of the structure or lot which was not in existence as of April 20, 1989.

If you have any questions please contact Chelsea Rabago, Staff Planner at 270-8031 or by email at chelsea.rabago@co.maui.hi.us

Sincerely,

JOHN S. RAPACZ
Planning Program Administrator

For: WILLIAM SPENCE
Planning Director

xc: Carolyn Cortez, Staff Planner (PDF)
Chelsea Rabago, Staff Planner (PDF)
KIVA related documents & project file
15/General File
WRS:JSR:CEC:CIR:
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