

Kauai County Council Joins Fight Against Proposed Glamping Resort

The plan to develop luxury camping at a Princeville golf course may eventually run afoul of a newly reenergized county ordinance covering open spaces.

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PRINCEVILLE, Kauai — The homeowners association here seemed sharply divided on Saturday as it sought consensus on how to respond to a proposal by a hotel developer to turn three holes of a golf course into a luxury glamping resort.



However, a new development at the Kauai County Council established that the Princeville controversy involves legal issues with potential statewide ramifications concerning privately owned open spaces.

Attorney Sam George, president of the homeowners association asserted that the community can probably tie up the proposal in the county bureaucracy until 2026, when a land use covenant that protects the open space status of 27 holes on two courses expires. But he said the community would likely lose in court after that.

Starwood Capital Group, which purchased the golf courses and the former Princeville Resort, has said it will build hundreds of new single-family homes on the courses if it doesn't get its way with the glamping resort. George contended that the community may not be able to stop such a move by Starwood, but he was forcefully refuted by numerous residents who

accused him of selling out the golf course community, with its atmosphere that defines Princeville.

The exchanges came during a hastily called Saturday morning Zoom meeting of about 100 Princeville residents who heard George tell them that Starwood said it will file for permits to start building its glamping resort in January, no matter what the community has to say. If the glamping plan fails, George said, Starwood has threatened to flood the golf courses with hundreds of new single-family homes.



Starwood Capital Group wants to build a luxury camping resort on a Kauai golf course. If the community continues to oppose it, the developer has said it may build homes instead.

Allan Parachini/Civil Beat

It was the threat to open spaces that might extend islandwide, or even statewide, that prompted the Kauai County Council to enter the fray Wednesday, when it voted to revise an ordinance originally passed in 2003, but which has lain dormant since, to set up more effective barriers to developers.

Led by council members KupuKai Kualii and Felicia Cowden, the council agreed to take up early next year a revised version of a so-called "lost" bill

to make such removals of open space more difficult. But to do so, the council agreed it will have to thread a very fine needle to avoid running afoul of the so-called "takings" provision of the Fifth Amendment to the U.S. Constitution.

The doctrine, which has a long history in constitutional law, says the government cannot take private property without compensating the owner. In this case, if the county limited what Starwood can do with its golf course land, the company would demand compensation, probably triggering lengthy litigation.

If such a county ordinance can be crafted, said Kualii and Cowden, it could affect golf courses and other open spaces throughout the state if other counties enacted similar measures.

Under the takings provision, government entities may not deprive private parties of something of value without compensating them. Prohibiting Starwood from developing its golf courses — which the unusual covenant seems to permit beginning March 1, 2026 — would clearly reduce the financial value of the company's land holdings, so any ordinance would have to find some novel way to avoid, or minimize, the county's liability.

Enacting such an ordinance would inevitably lead to litigation by Starwood — or some other future developer — that could tie the county up in the courts for years at enormous eventual cost.

Council member Luke Evslin, one of the most passionate supporters of finding a way to legislate without running afoul of the Constitution, said immunizing the county against a takings clause lawsuit would be difficult, but can probably somehow be done.

At its Wednesday meeting, the council voted to receive and defer the

dormant 2003 bill while Cowden and Kualii work with the county attorney to try to resolve the constitutional dilemma with a new version.

On expiration of the existing covenant, George said, "both of the golf courses may be developed for single family residences. No public hearing on that is required. Any attempt to prevent that residential development would probably require lengthy, expensive, risky litigation."

The meeting was made more acrimonious by disclosure that, in a private email sent to a resident last week, George observed: "We can kill glamping at the Planning Commission if that is what we choose to do. But, just between us, we really don't have much of a case when it comes to other lawsuits that will arise in 2026."



Clusters of luxury camping accommodations take up primarily the first three holes of the course as it exists today.

He said the Princeville board opened negotiations with Starwood last week during which the developer made slight revisions in its plan. It offered to move guest tents another 50 feet away from nearby homes, to 150 feet. It also eliminated a proposed restaurant and reduced the size of a proposed beer garden.

Mary Paterson, a resident who has been an outspoken opponent of the glamping resort, attacked George after he failed to even mention the prospective county ordinance in his opening statement.

"I can't believe that you don't think it is worth following up with the county council to resurrect the bill," she said. "I'm astounded."

"You are going to allow these developers to run roughshod over" the covenant that protects the golf courses from development, contended resident Lorrie Mull — also a lawyer. "There are a lot of different legal opinions on this and it is prudent for other points to be carefully considered."

Steve Sobel, another resident, upbraided George and the Princeville board, as well.

"It affects the entire island," Sobel said. "We now have a shotgun being held to our head."

Saturday's meeting involved just a handful of the 3,000 owners of homes and condos in Princeville. George said the meeting was scheduled hastily because Starwood has threatened such a short negotiation period before applying for its glamping permits. The association restricted participation in Saturday's meeting to its members, banning any recording and refusing Civil Beat's request to monitor it. Civil Beat watched the Zoom independently for this story.

George said the association plans to send out a member survey in the next few days to help determine community consensus on the controversy. Another resident, Debbie Goodwin, challenged George, saying "If your survey is against it, will you change course and fight?" George responded curtly: "We will consider the response and make a determination."

To that, resident Eric Crisler responded: "There is a sense that the board is stacked against the community."

At Wednesday's council meeting, attorney Teresa Tico, who represents a group of Princeville homeowners whose homes are closest to the proposed glamping resort, urged the council to consider the long-range implications of the "lost" bill from 2003 to communities across the island that incorporate privately owned open spaces.

The bill, she said, "is extremely important to the community. These spaces were always intended to remain open in perpetuity. This issue is not going to go away."

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