

Princeville residents at odds with association

By [Allan Parachini Special to The Garden Island](#) | Sunday, December 6, 2020, 12:05 a.m.

PRINCEVILLE — The Princeville homeowners association on Friday sought resident reaction to a controversial proposal by Starwood Capital Group, owner of the former Princeville Resort and two nearby golf courses, to build a 50-unit, luxury camping resort on what is now three golf holes.

It was the latest development in the controversy, which gained momentum last weekend after a confrontational Zoom meeting of residents, many of whom accused the association board of selling out the community.

Starwood, according to the newly circulated Princeville newsletter, "has the power to sell, encumber or develop the golf courses," and indicated it intends to file for permits within the next few weeks. "So we need to act quickly," the newsletter warned.

The survey said that if the Princeville at Hanalei Community Association accepts the glamping proposal, Starwood would leave the 18-hole Makai Golf Club course intact and "maintain the status quo" of six holes at the Woods Course,

which adjoins the main Makai layout, but only until 2026, when a covenant setting aside the golf courses as open space expires.

The survey, which The Garden Island reviewed late Friday, presents options that had not been disclosed previously. Among them, the community association said it “has been asked” by Starwood if it would purchase some or all of the nine-hole golf course where the resort would be built.

A related question asked: “Would you support this purchase...if your annual dues is doubled?” Dues for single-family homes in Princeville are about \$2,500 per year.

The survey also asked residents if they would support suing Starwood or whether the community association should continue to “negotiate,” oppose the project or take no position. It asks residents if they would agree to Starwood extending the open-space agreement for 30 years beyond the scheduled expiration in 2026.

Will Little, a project manager with East West Partners, contractor on the glamping resort for Starwood, declined to respond to a series of questions posed by The Garden Island. Saturday morning, he emailed: “We are happy to try and work with you on thoughtful responses to your questions, but sending the questions to us at the last minute does not allow for us to do so.”

The glamping resort, made up of 50 individual canvas and wood structures that would rent for \$500 a night, would be built on the first three holes of the Woods course.

The proposal has caused an uproar in Princeville after residents discovered the resort would be literally next to several dozen homes, whose owners had assumed since they bought their properties that they would adjoin a golf course in perpetuity.

The wording of the Starwood proposal appeared to confirm earlier reports that if the community association opposes permit applications for the glamping resort it intends to file sometime in January, Starwood will flood what is currently golf course land with hundreds of new, single-family homes.

The situation was set up by the existence of an obscure, one-page document signed in 1971 under which the Colorado company that was developing Princeville at the time withheld the golf courses from areas the Princeville community association now controls for a fixed term that expires in February 2026.

Meanwhile, the controversy has gained added urgency with action at the Kaua'i County Council to refashion a bill originally introduced in 2003.

Existence of Bill 2044 came up for debate at a Nov. 25

council meeting, where Councilmembers Felicia Cowden and KipuKai Kuali'i said they would introduce legislation that would create permanent protections for golf course open spaces island-wide. The issue has possible statewide relevance.

Fashioning new legislation is fraught with constitutional obstacles, chief of which is the so-called "takings" provision of the Fifth Amendment to the U.S. Constitution. It bans the government from taking private property without fairly compensating owners. Any move by the county to recategorize private golf courses as permanent open spaces could arguably be said to deprive golf-course owners of property value.

But on Friday, Cowden said the newsletter had mischaracterized the basis for the green-space-guarantee legislation she and Kuali'i are drafting.

"To the best of my knowledge, the letter of dedication for continuing to maintain the golf course is an internal document to the private covenant agreement," Cowden said. "County zoning is separate and unaffected by a private corporate letter of agreement. County zoning and state land-use laws supersede business agreements."

She said the legislation she and Kuali'i are working on would apply island-wide, not just to golf courses, but to all park

spaces that are privately owned.

At last Saturday's community meeting, which was closed to the public and media, Sam George, president of the Princeville association, who is also a lawyer, warned that if the group opposes the glamping proposal, Starwood has clearly threatened that "both of the golf courses may be developed for single-family homes.

"No public hearing is required. Any attempt to prevent that residential development would probably require lengthy, expensive and risky litigation," he said, that could easily drain the association's coffers, while Starwood has far deeper pockets

He was attacked by resident Mary Paterson, who noted that George failed to even mention the potential county legislation in his presentation. "I can't believe that you don't think it is worth following up with the County Council," she said.

Lori Mull, another resident who is also a lawyer, told George "you are going to allow these developers to run roughshod over" the existing agreement to preserve the golf courses as open space. "There are a lot of different legal opinions."

At the earlier County Council hearing, attorney Teresa Tico, who represents several dozen Princeville residents, said

protection of the open areas "is extremely important to the community. These spaces were always intended to remain open in perpetuity."

Tico warned the council: "Before you bury this bill, you should learn more about the history. This bill was extremely important to the community, to clarify if golf courses are permanent open spaces. This bill should be revised."

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