

**From:** [Participate](#)  
**To:** [Tara Fenwick](#)  
**Subject:** FW: Public Comment/ OBJECTION TO PROPOSED 1st and Washington development project  
**Date:** Monday, April 18, 2022 12:37:07 PM

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FYI for KURA packet public comment

**SUZANNE FRICK | CITY OF KETCHUM**

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**From:** James Hungelmann <jim.hungelmann@gmail.com>

**Sent:** Sunday, April 17, 2022 10:09 PM

**To:** Participate <participate@ketchumidaho.org>; Amanda Breen <ABreen@ketchumidaho.org>; Jim Slanetz <jslanetz@ketchumidaho.org>; Suzanne Frick <sfrick@ketchumidaho.org>

**Subject:** Public Comment/ OBJECTION TO PROPOSED 1st and Washington development project

Date April 17, 2022

To Susan Scovell, Chair, and Board and Staff, Ketchum Urban Renewal Agency

Re **Public Comment/** KURA Meeting April 18, 2022

**Agenda Discussion Item 3 -**

**OBJECTION TO PROPOSED 1st and Washington development project**

Dear Madam Chairperson, Board and staff members:

I hereby object to this project in its entirety as blatantly illegal, because as a matter of fact and law, there are no “deteriorated or deteriorating conditions” at 1<sup>st</sup> and Washington that Idaho law requires for an Urban Renewal Agency to be empowered to address.

**Applicable Idaho Law provides as follows –**

IC 50-2005. FINDING OF NECESSITY BY LOCAL GOVERNING BODY. No urban renewal agency and no municipality shall exercise the authority hereafter conferred by this act until after the local governing body shall have adopted a **resolution finding that: (1) one or more deteriorated or deteriorating areas as defined in this act exist in such municipality; (2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality; and (3) there is need for an urban renewal agency to function in the municipality.**

IC 50-2018. DEFINITIONS. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use;

(10) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

This proposed 1<sup>st</sup> and Washington affordable housing project is sought by KURA to further the Master Goals of the Ketchum Urban Renewal Plan as revised, dated November 15, 2010, and specifically,

“c. The revitalization, redesign and development of undeveloped areas which are stagnant or improperly utilized especially through the creation of affordable workforce housing, a central town plaza and parking lots and structure”

However, it is a wild concoction to suggest, considering its history, that 1<sup>st</sup> and Washington can be deemed “stagnant” or “improperly utilized”. *More importantly, the fact that a property may be considered by some to be stagnant or improperly utilized, with a “higher and better use” than current conditions, is legally irrelevant.* As a matter of law, the URA vehicle is not available for do-gooder projects or social engineering of any type. Again, the conditions must be *deteriorated or deteriorating* as those terms are precisely defined in the law to empower an Urban Renewal Agency to become involved.

**Ketchum City Council and KURA itself have grand plans to involve themselves in solutions to what they consider to be affordable housing crisis, but unless conditions are dire and dangerous, blight and slum ridden, URA may not be used as a vehicle. Close inspection of the subject property at 1<sup>st</sup> and Washington fails to find a shred of evidence supporting a claim of deteriorating or deterioration.**

As public fiduciaries, agencies of city government must model for the citizenry respectful compliance with the law that requires that KURA immediately cease and desist on this project.

Please forward this objection to Agnew Beck which must be advised of the illegality.

To be clear, if KURA proceeds as it proposes, Ketchum City can expect burdensome and costly litigation with Lis Pendens lien against the property, together with deep public resentment for a wildly inappropriate, ill-conceived, illegal and failed project.

If KURA has written legal advice suggesting this project somehow would comply with law, I ask for immediate public disclosure of it and opportunity to dialogue before any further action is taken.

Thank you,

Jim Hungelmann

Ketchum