

**KITTITAS COUNTY**  
**BOARD OF EQUALIZATION**  
411 N Ruby St, Ste 2, Ellensburg, WA 98926  
(509) 962-7506

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**ORDER OF THE KITTITAS COUNTY BOARD OF EQUALIZATION**

Property Owner(s): Blue Jay Land Company LLC

Mailing Address: 1890 Nelson Siding Rd  
Cle Elum, WA 98922

Tax Parcel No(s): 960590

Assessment Year: 2023 (Taxes Payable in 2024)

Petition Number: BE-23-0136

Having considered the evidence presented by the parties in this appeal, the Board hereby:  
**Sustained**  
the determination of the Assessor.

Assessor's Determination

Assessor's Land: \$196,670  
Assessor's Improvement: \$0  
TOTAL: \$196,670

Board of Equalization (BOE) Determination

BOE Land: \$196,670  
BOE Improvement: \$0  
TOTAL: \$196,670

**Those in attendance at the hearing and findings:**


See attached Recommendation and Proposed Decision of the Hearing Examiner.


Hearing Held On : December 8, 2023

Decision Entered On: February 8, 2024

Hearing Examiner: Jessica Hutchinson

Date Mailed: 2/23/24

  
Chairperson (of Authorized Designee)

  
Clerk of the Board of Equalization

**NOTICE OF APPEAL**

This order can be appealed to the State Board of Tax Appeals by filing a Notice of Appeal with them at PO Box 40915, Olympia, WA 98504-0915, within THIRTY days of the date of mailing on this Order (RCW 84.08.130). The Notice of Appeal form is available from the Washington State Board of Tax Appeals or the Kittitas County Board of Equalization Clerk.

**KITTITAS COUNTY BOARD OF EQUALIZATION- PROPOSED RECOMMENDATION**

Appellants: Blue Jay Land Company LLC  
Petition: BE-23-0136  
Parcel: 960590  
Address: Paintbrush Ln

Hearing: December 8, 2023 10:45 A.M.

Present at hearing: Pat Deneen, Appellant; Dana Glenn, Appraiser; Anthony Clayton, Appraiser; Jessica Miller, BOE Clerk; Jessica Hutchinson, Hearing Examiner

Testimony given: Pat Deneen, Dana Glenn and Anthony Clayton

Assessor's determination:

Land: \$196,670  
Improvements: \$0  
Total: \$196,670

Taxpayer's estimate:

Land: \$50,000  
Improvements: \$0  
Total: \$50,000

**SUMMATION OF EVIDENCE PRESENTED AND FINDING OF FACT:**

The subject property is a .24 acre parcel in the Winterfall subdivision in Roslyn. This parcel is one of three parcels grouped together on the Eastern edge of the subdivision. Board cases for these parcels were heard together with the same testimony and evidence (BE 23-0134-0136).

Mr. Deneen stated that any remaining parcels in the subdivision that are not developed are empty for a reason—it is difficult to develop or there is a problem with development. These three parcels sit on a former coal mine and there are remnants of coal slag piles. With the layer of coal in the soil, compaction is an issue for building. An engineer was hired to drill soil samples.

Mr. Clayton stated that the Assessor's Office considers these buildable lots without any information to the contrary.

**CONCLUSIONS OF LAW:**

"Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct, but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence." RCW 81.40.0301

In other words, the assessor's determination of property value shall be presumed correct. The petitioner can overcome this presumption that the assessor's value is correct only by presenting clear, cogent and convincing evidence otherwise.

"All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed..."

RCW 84.40.020

"The true and fair value of real property for taxation purposes...must be based upon the following criteria:

- (a) Any sales of the property being appraised or similar properties with respect to sales made within the past five years...
- (b) In addition to sales as defined in subsection (3)(a) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance..."

RCW 84.40.030(3)

"(1) In making its decision with respect to the value of property, the board shall use the criteria set forth in RCW 84.40.030.

(2) Parties may submit and boards may consider any sales of the subject property or similar properties which occurred prior to the hearing date so long as the requirements of RCW 84.40.030, 84.48.150, and WAC 458-14-066 are complied with. Only sales made within five years of the date of the petition shall be considered.

(3) Any sale of property prior to or after January 1<sup>st</sup> of the year of revaluation shall be adjusted to its value as of January 1 of the year of evaluation, reflecting market activity and using generally accepted appraisal methods...

(4) More weight shall be given to similar sales occurring closest to the assessment date which require the fewest adjustments for characteristics."

WAC 458-14-087

**RECOMMENDATION:**

The Hearing Examiner has determined that the appellant has not met the burden of proof to overturn the Assessed Value of the property with clear, cogent, and convincing evidence.


The larger size of the parcels and location on the corner of two roads makes it more likely that a building site could be found on these properties. Without more evidence to suggest the properties are unbuildable, no change in value is recommended at this time.

Every finding of fact this is a conclusion of law shall be deemed as such. Every conclusion of law that contains a finding of fact shall be deemed as a finding of fact.

**PROPOSED DECISION:**

The Examiner proposes that the Kittitas County Board of Equalization sustain the Assessed Value.

DATED 12/8/23

  
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Jessica Hutchinson, Hearing Examiner