

**KITTITAS COUNTY
BOARD OF EQUALIZATION**

411 N Ruby St, Ste 2, Ellensburg, WA 98926
(509) 962-7506

ORDER OF THE KITTITAS COUNTY BOARD OF EQUALIZATION

Property Owner(s): Mary Morgan

Mailing Address: 291 Sage Hill Drive
Ellensburg, WA 98926

Tax Parcel No(s): 951739

Assessment Year: 2023 (Taxes Payable in 2023)⁴

Petition Number: BE-23-0150

Having considered the evidence presented by the parties in this appeal, the Board hereby:
Overruled - Reduced
the determination of the Assessor.

Assessor's Determination

Assessor's Land: \$74,200
Assessor's Improvement: \$413,060
TOTAL: \$487,260

Board of Equalization (BOE) Determination

BOE Land: \$69,200
BOE Improvement: \$413,060
TOTAL: \$482,260

Those in attendance at the hearing and findings:

Mary Morgan, Petitioner and Anthony Clayton, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Recommendation by Jessica Hutchinson-Leavitt, Hearing Examiner.

Hearing Held On : November 20, 2023
Decision Entered On: November 30, 2023
Hearing Examiner: Jessica Hutchinson-Leavitt Date Mailed: 12/19/23


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: Mary Morgan
Petition: BE-23-0150
Parcel: 951739
Address: 291 Sage Hill Drive

Hearing: November 20, 2023 10:20 A.M.

Present at hearing: Mary Morgan, appellant; Anthony Clayton, Assessors representative; Jessica Miller, BOE Clerk; Jessica Hutchinson, Hearing Examiner

Testimony given: Mary Morgan, Anthony Clayton

Assessor's determination:
Land: \$74,200
Improvements: \$413,060
Total: \$487,260

Taxpayer's estimate:
Land: \$62,000
Improvements: \$365,000
Total: \$427,000

SUMMATION OF EVIDENCE PRESENTED AND FINDING OF FACT:

The subject property is a 1320 square foot single family residence on 20 acres East of the town of Kittitas off of Vantage Hwy and Sage Hills Drive.

Ms. Morgan provided a comparative market analysis (CMA) from a local realtor with four sales around Kittitas County sold in 2021 and 2022. The average sale price of those properties comes to \$438,500. Ms. Morgan stated that comparables for her home are difficult to find due to the unique nature of her home, being a newer construction one bedroom home that would be very difficult to modify or add on to due to the concrete floors and construction type. The home is on a shared well that only produces five gallons per minute, which required them to install in ground water storage tanks. Ms. Morgan also stated that the Homeowners Association is very restrictive. Homeowners are not allowed to disturb more than 2 acres of land for their home and landscaping and are not allowed to use vehicles such as off road vehicles but must control the noxious weeds on the property. She also stated that there are other issues with the property, such as no irrigation, fire danger, traffic issues along Vantage Highway when the Vantage Bridge closes, and the noise from the power lines that run through a corner of the property approximately 350-400 feet from the house.

Mr. Clayton shared a list of comparable land sales within the Sage Hills neighborhood from 2021 and 2022 that range in sales price from \$57,000 up to \$93,500. He stated that the Assessor's Office has seen

an increase in the market from 2021 to the 3rd Quarter of 2023 of about 1% per month, and that the assessed land value of the subject property is justified by these sales with the market trending applied. Without trending, the average price per acre of the comparables comes to \$3,544. The subject property is currently assessed at \$3,490 per acre. The appellant's suggested value would put the price per acre at \$2,916, considerably lower than either of the other values.

Mr. Clayton addressed the sales from the appellant's CMA by pointing out that the average price per square foot of those sales comes to \$414 per square foot. The improved comparable sales provided by the Assessor's Office come in at \$327 per square foot, and the subject property is assessed at \$313 per square foot. (All of those figures are for the improvement value only, land value not included.)

Ms. Morgan stated that when the builder of her home purchased the property to build her home for her, it had been on the market for 14 years, and she believes that the location of the power lines across the corner of the property made a major impact on the marketability. Mr. Clayton responded that he could possibly make an adjustment to the small amount of land that the power lines cross value it as additional acreage, but it would be such a minor adjustment to a small portion of land that it would not make a lot of difference in the overall value of the property.

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 1st 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 met the burden of proof to overturn the Assessed Value of the property with clear, cogent, and convincing evidence.

Overall, the value of the property is in line with the market report and comparables provided by the Assessor’s Office. However, the appellant has made it clear that the location of the power lines on the far corner of the property and their close proximity to the home have a negative impact on the marketability of the property and reasonable enjoyment of the property. As far as the other negative factors brought up by the appellant, it is clear by the sales in the Sage Hills neighborhood that the value of properties there are not as highly impacted by the HOA restrictions, traffic issues, and other factors. Additionally, the value of the improvements are reasonable considering the average price per square foot of the comparable sales from the Assessor and the appellant’s CMA.

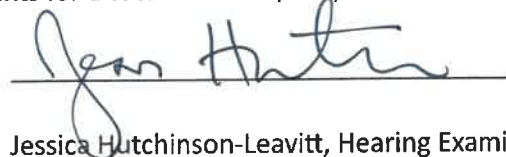
The Hearing Examiner recommends a reduction in the value of the land by \$5,000 to account for the impact of the power lines.

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 reduce the Assessed Value of the land to \$69,200 and sustain the value of the improvements for a total value of \$482,260.

DATED 11/30/23



Jessica Hutchinson-Leavitt, Hearing Examiner