

**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): Ryan & Stacey Engel
Mailing Address: 1283 Cameo Drive
Richland, WA 99352
Tax Parcel No(s): 815733
Assessment Year: 2023 (Taxes Payable in 2024)
Petition Number: BE-23-0180

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: \$100,000
Assessor's Improvement: \$419,380
TOTAL: \$519,380

Board of Equalization (BOE) Determination

BOE Land: \$100,000
BOE Improvement: \$419,380
TOTAL: \$519,380

Those in attendance at the hearing and findings:

Stacey Engel, Petitioner and Dana Glen, 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 : October 30, 2023
Decision Entered On: November 9, 2023
Hearing Examiner: Jessica Hutchinson-Leavitt

Date Mailed: 12/18/23


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: Ryan and Stacey Engel

Petition: BE23-0180

Parcel: 815733

Address: 805 E. 4th Avenue, Ellensburg

Hearing: 10/30/2023

Present at hearing: Stacey Engel, appellant; Dana Glen, Appraiser; Jessica Miller, BOE clerk; Jessica Hutchinson, Hearing Examiner

Testimony given:

Stacey Engel

Dana Glen

Assessor's determination:

Land: \$100,000

Improvements: \$419,380

Total: \$519,380

Taxpayer's estimate:

Land: \$100,000

Improvements: \$356,490

Total: \$456,490

SUMMATION OF EVIDENCE PRESENTED AND FINDING OF FACT:

The subject property is a single family residence (SFR) with a detached accessory dwelling unit (ADU) located near downtown Ellensburg.

Mrs. Engel provided four comparable sales ranging in sale date from 2019-2023. 805 E. 1st Avenue for \$435,000 in March 2023; 909 E. 8th Avenue #1 for \$269,000 in October 2019; 715 E 4th Avenue for \$465,000 in August 2022; 808 E 5th Avenue for \$349,900 in June 2021. She also provided a third party appraisal done in 2019 that suggested a value of \$295,000.

Mrs. Engel stated she disagrees with the Assessor's decision to value the home as a typical SFR as the addition of the ADU makes the property atypical. She brought up the independent appraisal as well as the comparable sales, all of which are similar to the subject in that they have an ADU, as evidence of a lower value. When asked by Mr. Glen about recent updates to the property, she stated that they had done a 'surfaces' remodel to the home—paint, flooring, reconfigured a bathroom, and moved several windows—in 2021.

Mr. Glen stated that the property is indeed valued as a SFR with additional value given to the ADU. He stated that the Assessor's Office is seeing more ADUs around the city, and they choose not to value these properties as typical income producing multifamily properties to ensure that the lots are valued at a residential rate instead of a commercial property rate.

Mr. Glen pointed to the Assessor's mass market appraisal report to show an assessed value performance of 90%, which indicates that the Assessor's Office is not over assessing properties in the downtown Ellensburg market area. He addressed the sales provided by the appellant, stating that the sales have not been adjusted for time to the Assessment date of January 1, 2023.

Mrs. Engel stated that she mostly agrees with the market report, but her home does not fit the model of SFR and should be considered an outlier.

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 not met the burden of proof to overturn the Assessed Value of the property with clear, cogent, and convincing evidence.

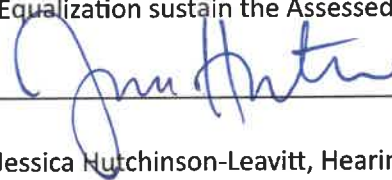
The market analysis provided by the Assessor’s Office shows a strong success rate in valuing properties in the market area. Their decision to continue valuing properties like the subject property as a single family residence with additional value for an accessory dwelling unit is beneficial to taxpayers, whereas a change in valuation approach would likely raise the value considerably. Had the comparable sales and appraisal provided by the appellant been adjusted for time and updates to the property, more weight would have been given to them in this recommendation.

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 11/9/23



Jessica Hutchinson-Leavitt, Hearing Examiner