

**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): 962575

Assessment Year: 2023 (Taxes Payable in 2024)

Petition Number: BE-23-0202

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: \$206,670  
Assessor's Improvement: \$0  
TOTAL: \$206,670

Board of Equalization (BOE) Determination

BOE Land: \$206,670  
BOE Improvement: \$0  
TOTAL: \$206,670

**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-23-0202  
Parcel: 962575  
Address: Rock Rose Dr

Hearing: December 8, 2023 9:25 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: \$206,670  
Improvements: \$0  
Total: \$206,670

Taxpayer's estimate:

Land: \$10,000  
Improvements: \$0  
Total: \$10,000

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

The subject property is a lot in the Winterfall PUD in Roslyn. Board cases BE 23-0141 and 0199-0203 are located in the subdivision and share similar characteristics and challenges. These cases were discussed together and the following testimony and evidence applies to all of them.

Mr. Deneen stated that the parcels have significant compaction issues due to the site being an old coal mine. A drilling company was hired and drilled 40-50 feet down before a clay layer was found. There are condos built across the street in the subdivision that had to be dug 10-15 feet down to find a suitable layer to place a foundation on. Mr. Deneen hired an engineer to evaluate the challenges to building, and the cost to cure would be approximately \$100,000 per lot. Mr. Deneen stated that the Assessed Value is not too far off if the cost to cure is considered. He is currently in talks with a builder to sell for \$115,000 per lot with the understanding that the lots need to be remedied first.

Mr. Clayton asked Mr. Deneen if he had any written estimates of the cost to cure the compaction issues. Mr. Deneen stated that he did not have the documentation but is testifying the approximate cost. In addition, the engineering evaluation and report cost around \$62,000.

**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 appellant has made a valid argument to reduce the value of the parcels to account for the cost to cure the compaction issues in the soil. However without documentation to show the extent and estimated costs to cure the issue, it is recommended the Board sustain the value. If documentation is provided in the future, a reduction in value would be considered. It is highly recommended that the appellant bring that documentation to the Assessor’s Office before the next Assessment to avoid a need for appealing the parcels.

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