

**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): Gary Dale Jones Trust & Greg A Newall Trust

Mailing Address: 2901 S Perry LN  
Clarkston, WA 99403

Tax Parcel No(s): 16607

Assessment Year: 2024 (Taxes Payable in 2025)

Petition Number: BE-240028

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: \$1,392,210  
Assessor's Improvement: \$0  
TOTAL: \$1,392,210

**Board of Equalization (BOE) Determination**

BOE Land: \$1,392,210  
BOE Improvement: \$0  
TOTAL: \$1,395,210

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

See attached Recommendation and Proposed Decision of the Hearing Examiner

Hearing Held On : September 24, 2024

Decision Entered On: November 6, 2024

Hearing Examiner: Jessica Hutchinson      Date Mailed: 12/10/24



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: Gary Dale Jones Trust & Greg A Newhall Trust

Petition: BE-240028

Parcel: 16607

Address: University Way

Hearing: September 24, 2024 9:03 A.M.

Present at hearing:

Mark Rudd and Terry Rudd, Petitioner

Dana Glenn, Appraiser

Jessica Miller, Clerk

Documents in evidence:

Taxpayer Petition, Filed June 28 , 2024

Assessor's Answer, Filed August 19, 2024

Taxpayer Supplemental, Filed August 23, 2024

Testimony given:

Mark Rudd and Terry Rudd

Dana Glenn

Assessor's determination:

Land: \$1,392,210

Improvements: \$0

Total: \$1,392,210

Taxpayer's estimate:

Land: \$211,620

Improvements: \$0

Total: \$211,620

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

The subject properties consist of six vacant land parcels along University Way in Ellensburg. One hearing was held to discuss all six properties together.

Appearing on the appellant's behalf were appraisers Mark and Terry Rudd. Mr. T Rudd provided most of the testimony and will be referred to as Mr. Rudd in this summary. Mr. Rudd stated that the main point of contention is the current highest and best use of the properties. He contends that future highest and best use should not determine current value. He referenced Washington Department of Revenue tax code pertaining to Bed and Breakfast properties (WAC 458-07-030) that states "Uses that are in the realm of possibility, but not reasonably probable of occurrence, shall not be considered in valuing

property at its highest and best use.” The subject property is currently zoned commercial but cannot be developed due to floodway restrictions and access issues from University Way. He stated that there are currently two dirt road access points for the owner’s farming use, but that there are no approved access points for commercial use. He noted that the economical impact of preparing the properties for development, such as fixing the access and terrain, are too great to consider valuing the property as commercial. It is best valued as farmland, which is how the owners are currently using it. Mr. Rudd provided an Interchange Study coordinated by the City of Ellensburg that details a possible future commercial development, but also illustrates the obstacles that would need to be overcome to get to that point.

Mr. Glen provided a floodway map of the properties to show that only portions of each property are affected by the floodway. He provided a list of comparable sales for each parcel depending on its size to support the base value of the properties. For the portions of the parcels in the floodway, a significant discount was applied to the value. For the remaining acreage not in the floodway, a 55% discount was applied to account for development costs. For Board case 24-0024, a total of \$239,998 was deducted from the Assessed Value. Mr. Glen also stated that the properties were purchased in 2006 for \$2.7 million, and the value has not been significantly increased since that purchase according to the market. The current total combined Assessed Value for the properties is \$3,500,740.

#### **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 adjustments made to the property in regards to the floodway and development challenges are sufficient given the market for commercial properties in and around the City of Ellensburg.

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 uphold the assessed value.

DATED

12/6/24

  
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Jessica Hutchinson, Hearing Examiner