

PACIFIC COUNTY BOARD OF EQUALIZATION

AGENDA

PACIFIC COUNTY GENERAL ADMINISTRATION

PO Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

MAY 12, 2020 @ 8:45 AM

**Conference Room
Courthouse Annex, South Bend**

1. Approve January 6, 2020 Minutes
2. Consider approval of Hearing Examiner Eric Weston's Proposed Decisions and Board of Equalization Orders for the following hearing date:
 - March 5, 2020 (*2019 Session for taxes payable in 2020*)
3. Adjournment

PACIFIC COUNTY BOARD OF EQUALIZATION MINUTES
January 6, 2020 at 11:45 AM
Courthouse Annex
BOCC Conference Room, South Bend, Washington

Minutes of a regular session of the Board of Equalization held on January 6, 2020 at 11:45 a.m. Present were Frank Wolfe-Chair, Lisa Olsen-Vice Chair, Michael Runyon-Member, Clinton Baze-Observer (Department of Public Works Employee), and Kelli D. Buchanan-Board of Equalization Clerk. *(Please refer to audio recording of the meeting for more detailed discussion).*

Chair Wolfe called the meeting to order at approximately 11:45 a.m.

Lisa Olsen moved to approve the December 30, 2019 minutes. Michael Runyon seconded, motion carried.

Lisa Olsen moved to approve the following request for late filing. Michael Runyon seconded, motion carried.

- 19-071 Thomas & Joann Williams *(2019 Session for taxes payable in 2020)*

Lisa Olsen moved to approve Hearing Examiner Eric Weston's recommendation regarding accepting the following petition now considered complete with a valid reason for appeal. Michael Runyon seconded, motion carried.


- 19-067 Vernon & Bobbie Hartshorn *(2019 Session for taxes payable in 2020)*

Lisa Olsen moved to approve Hearing Examiner Eric Weston's recommendations regarding denying the following petitions due to no valid reason for appeal. Michael Runyon seconded, motion carried.


- 19-068 John & Julie DeLong
- 19-069 Laura Gilgore, et al
- 19-070 Kenneth & Sharon Willis
- *(2019 Session for taxes payable in 2020)*

With no further business to come before the Board of Equalization, the meeting was adjourned.


PACIFIC COUNTY
BOARD OF EQUALIZATION



Frank Wolfe, Chair



Lisa Olsen, Vice Chair



Michael Runyon, Member

ATTEST:



Kelli D. Buchanan, Board of Equalization Clerk

AMENDED BOARD OF EQUALIZATION MINUTES
January 6, 2020

**BOARD OF EQUALIZATION
PACIFIC COUNTY, WASHINGTON**

HEARING EXAMINER PROPOSED DECISION TRANSMITTAL

WHEREAS, hearings with proper notification were conducted:

Thursday, March 5, 2020

at the Courthouse Annex in South Bend, Washington, to accept evidence, take testimony and otherwise consider the applicable taxpayer petitions to review property valuation determinations; and

WHEREAS, the proposed decisions being recommended by the hearing examiner(s), duly appointed by this Board and acting in accordance with WAC 458-14-136, were recorded on the attached listing by the Clerk of the Board; and

WHEREAS, this Board has had the opportunity to examine the evidence submitted by the hearing examiner(s); now, therefore,

THE PACIFIC COUNTY BOARD OF EQUALIZATION HEREBY (1) approves the proposed decisions in the attached listing as the final determination in accordance with WAC 458-14-136(5) with regard to the applicable taxpayer petitions to review property valuation determinations, (2) directs the Clerk of the Board to prepare the final orders, and (3) authorizes its Chair to validate each order by attaching his or her signature thereto.

PASSED by the Pacific County Board of Equalization meeting at South Bend, Washington, May 12, 2020, by the following vote: 3 YEA, 0 NAY, 0 ABSTAIN and 0 ABSENT; then signed by its membership and attested to by its Clerk in authorization of such passage.

**BOARD OF EQUALIZATION
PACIFIC COUNTY, WASHINGTON**



Frank Wolfe - Chair
County Commissioner, District #2



Lisa Olsen - Vice Chair
County Commissioner, District #1

ATTEST:



Kelli D. Buchanan, Board of Equalization Clerk



Michael Runyon - Member
County Commissioner, District #3

Hearing Examiner Proposed Decision Resolution Attachment

Board of Equalization Decision Date: Tuesday, May 12, 2020

Hearing Date: Thursday, March 5, 2020

Petition Number	Name	Parcel	Petition Status	BOE Decision	Assessor Land	Assessor Improvement	Assessor Personal Property	Assessor Total Value	BOE Land	BOE Improvement	BOE Personal Property	BOE Total Value
19-034	Brown, Lucita	71018008027	Appealing	Overruled - Reduced	\$21,900	\$234,300	\$0	\$256,200	\$19,975	\$215,025	\$0	\$235,000
19-035	Seely, Eric & Gwenavere	13080843007	Appealing	Sustained	\$54,800	\$241,900	\$0	\$296,700	\$54,800	\$241,900	\$0	\$296,700
19-044	Lande, Estate of Leslie T.	15072322000	Appealing	Sustained	\$125,400	\$386,500	\$0	\$511,900	\$125,400	\$386,500	\$0	\$511,900
19-048	Nakaya, Yuko	71001010007	Appealing	Sustained	\$27,000	\$38,300	\$0	\$65,300	\$27,000	\$38,300	\$0	\$65,300
19-051A	Nelson, Sandra Lee	76010000088	Appealing	Sustained	\$18,000	\$0	\$0	\$18,000	\$18,000	\$0	\$0	\$18,000
19-051B	Nelson, Sandra Lee	76010000089	Appealing	Sustained	\$18,000	\$9,700	\$0	\$27,700	\$18,000	\$9,700	\$0	\$27,700
19-052	Nelson, Michael & Sandra	76010000090	Appealing	Sustained	\$84,000	\$224,200	\$0	\$308,200	\$84,000	\$224,200	\$0	\$308,200
19-056	Steuernagel, Carl & Francine	74071026004	Appealing	Sustained	\$32,200	\$72,300	\$0	\$104,500	\$32,200	\$72,300	\$0	\$104,500
19-071	Williams, Thomas & JoAnn	77011004021	Appealing	Sustained	\$30,000	\$280,300	\$0	\$310,300	\$30,000	\$280,300	\$0	\$310,300
19-072	Taylor, Donald & Louise	75015032007	Appealing	Sustained	\$34,500	\$0	\$0	\$34,500	\$34,500	\$0	\$0	\$34,500
Hearing Date Totals:					\$445,800	\$1,487,500	\$0	\$1,933,300	\$443,875	\$1,468,225	\$0	\$1,912,100
BOE Totals:					\$445,800	\$1,487,500	\$0	\$1,933,300	\$443,875	\$1,468,225	\$0	\$1,912,100

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 10 HEARING TIME: START 4:12pm END 4:18

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 15:30

PETITION NUMBER: 19-034

PROPERTY OWNERS: Lucita Brown

PRESENT: YES _____ NO ☒

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES _____ NO ☒

Rocky Stamper, Appraiser

PRESENT: YES ☒ NO _____

PARCEL: 71018008027

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$21,900.00	LAND	\$	LAND	\$ <u>33,400</u>
Improvement:	\$234,300.00	IMPR	\$	IMPR	\$ <u>201,600</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$256,200.00	TOTAL	\$	TOTAL	\$ <u>235,000</u>

NOTES: _____

PROPOSED DECISION:

____ ASSESSMENT UPHELD ☒ VALUE ADJUSTED:

LAND	\$	<u>19,975</u>
IMPR	\$	<u>215,025</u>
PERS PROP	\$	
TOTAL	\$	<u>235,000</u>

REASONS:

- | | |
|--|---|
| 1) _____ Sales of Comparable Property | 11) _____ Income analysis |
| 2) _____ Total Value | 12) _____ Value in use |
| 3) _____ Uphold: AV within market | 13) _____ Insufficient evidence (uphold) |
| 4) <input checked="" type="checkbox"/> Purchase price of subject | 14) _____ Incorrect property characteristic |
| 5) _____ Improvement low/value in land | 15) _____ Petitioner accepts value |
| 6) _____ Unique land features (specify) | 16) _____ Uphold/conflict of interest |
| 7) _____ Deferred maintenance of improvement | 17) _____ Obsolescence of improvement |
| 8) _____ Cost to cure | 18) _____ Location limits value |
| 9) _____ Cost to develop | 19) _____ Documentation of non-perc |
| 10) _____ Cost Approach | 20) _____ Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Lucita Brown

Mailing Address: 4905 Pioneer Ave
Caldwell, ID 83607-

Other Parties:

Tax Parcel No(s): 71018008027

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-034

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 Land: \$21,900.00
Assessor Improvement: \$234,300.00
TOTAL: \$256,200.00

Board of Equalization (BOE) Determination

BOE Land: \$19,975.00
BOE Improvement: \$215,025.00
TOTAL: \$235,000.00

Those in attendance at the hearing and findings:

Petitioner was not present at the hearing. Rocky Stamper, Appraiser of the Assessor's Office, was present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellant: Lucita Brown
Petition: 19-034
Parcel: 71018008027
Address: 313 B Street, South Bend

Hearing: Thursday, March 5, 2020, 4:12 p.m.

Present at hearing:
Rocky Stamper, Appraiser

Documents in evidence:
Taxpayer Petition, Filed April 26, 2019
Assessor's Answer, Filed January 29, 2020

Testimony given:
Rocky Stamper

Assessor's determination:
Land: \$21,900
Improvements: \$234,300
Total: \$256,200

Taxpayer's estimate:
Land: \$33,400
Improvements: \$201,600
Total: \$235,000

Summation of evidence presented:
Ms. Brown stated in her petition,

Assessor's value much higher than the price we actually paid. After purchase, several serious issues needing repair were uncovered. The first being that any use of water (sinks, showers, toilets, washer, etc.) caused flooding in the basement – The inspector failed to identify this issue prior to our purchase of the house. This has turned into an extensive repair that is not yet complete. . . The property is being assessed as "river view" but does not have view of the river from the house.

Ms. Brown provided a copy of the appraisal dated October 19, 2018 of this property prepared for Ms. Brown's purchase of the property in December 2018.

Ms. Stamper provided five examples of recently sold properties that were comparable to the subject property. All were in South Bend or Raymond. The average lot size was 0.18 acre. The subject property is on a 0.28 lot. The average sale price of the comparable properties was \$162,480. The subject property is valued at \$235,000. The average age of the comparable

properties was 107 ½ years old. The subject property was 107 years old at the date of the valuation. The average size of the comparable properties was 1,920.4 square feet with an average price per square foot of \$86.40. The subject property has 3,429 square feet with a valuation of \$74.72 per square foot. While the appraiser does not value houses based on these comparisons, they can be useful in determining whether the appraisal is far from that of the comparables.

Findings of Fact:

The subject property is 3,429 square-foot two-story home built in 1912. It has a 540 square-foot partitioned finished basement and a 528 square-foot detached garage and storage shed. The house is on a quarter-acre parcel on a hill. The petitioner earlier stipulated to a reduction in value due to the maintenance concerns in her 2018 petition.

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 84.40.0301

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

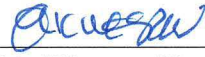
The appraiser is tasked with valuing the property as it sat on January 1, 2019. Days earlier, it sold at an arm’s-length transaction for \$235,000. The appraiser refers to her legally mandated obligation to use mass-marketing adjustments to value the property from its earlier individual sales. The appraiser did not use the days-old sale price nor did she account for how the property could increase in value by 9 percent in less than a month. This is an error. The arm’s-length transaction is conclusive proof of what an arm’s-length transaction would value the house – by tautological definition.

Every finding of fact that 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 Pacific County Board of Equalization reduce the assessed value to \$19,975 for the land and \$215,025 for the improvements, for a total value of \$235,000.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 4 HEARING TIME: START 9:56 END 10:43

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 10:00

PETITION NUMBER: 19-035

PROPERTY OWNERS: Eric & Gwenavere Seely

PRESENT: YES ☒ NO ☐

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES ☐ NO ☒

Connie Williams, Appraiser

PRESENT: YES ☒ NO ☐

PARCEL: 13080843007

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$54,800.00	LAND	\$	LAND	\$ <u>54,800</u>
Improvement:	\$241,900.00	IMPR	\$	IMPR	\$ <u>145,686</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$296,700.00	TOTAL	\$	TOTAL	\$ <u>200,486</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	<u>54,800</u>
IMPR	\$	<u>241,900</u>
PERS PROP	\$	
TOTAL	\$	<u>296,700</u>

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Eric & Gwenavere Seely

Mailing Address: 469 South Fork Rd
Raymond, WA 98577-

Other Parties:

Tax Parcel No(s): 13080843007

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-035

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

Assessor's Determination

Assessor Land: \$54,800.00
Assessor Improvement: \$241,900.00
TOTAL: \$296,700.00

Board of Equalization (BOE) Determination

BOE Land: \$54,800.00
BOE Improvement: \$241,900.00
TOTAL: \$296,700.00

Those in attendance at the hearing and findings:

Eric Seely, Petitioner, was present at the hearing. Connie Williams, Chief Appraiser, and Kellie Moudry, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

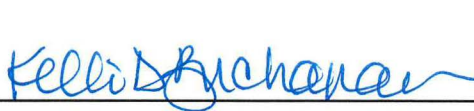
Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellants: Eric and Gwenavere Seely
Petition: 19-035
Parcel: 13080843007
Address: 469 South Fork Road, Raymond

Hearing: Thursday, March 5, 2020, 9:58 a.m.

Present at hearing:
Eric Seely, Petitioner
Connie Williams, Chief Appraiser
Kellie Moudry, Appraiser

Documents in evidence:
Taxpayer Petition, Filed July 1, 2019
Taxpayer Spreadsheet, Filed March 5, 2020
Assessor's Answer, Filed January 7, 2020

Testimony given:
Eric Seely
Connie Williams

19-052
Assessor's determination:
Land: \$54,800
Improvements: \$241,900
Total: \$296,700

Taxpayer's estimate:
Land: \$54,800
Improvements: \$145,686
Total: \$200,486

Summation of evidence presented:
In his petition, Mr. Seely states

This home is not waterfront, is not landscaped, has currently no decks or patios, and has no detached garage or shop and the interior of the home has many base features (allot of carpeting and lament counter tops). I looked at 4 recent sales of compatible properties and found an average of \$78.83 per sq. ft. is a fair valuation of improvements (see attached calculations) on comparable properties. Using the Sq. Ft. method to value improvements and based on the 1,848 Sq Ft the total value of improvements should be \$145,686.00

Mr. Seely provided a spreadsheet including four proposed comparable property sales. He averaged the square-foot price of his comparable properties and applied that value to the size of his own residence, thus deriving his estimate of the value.

Ms. Williams responded in the written answer, providing a spreadsheet of proposed comparable properties. These vary considerably by age and acreage from each other and the subject property. However, the average price per square foot is \$144.98 where the subject property valuation per square foot is \$159.26, a ten-percent increase. While the appraiser does not and shall not value properties on their value per square foot, this does provide a useful comparative metric to see that the valuation is not out of line. Ms. Williams testified that the South Fork area is one of the county's more valuable places to site homes and is more in demand by buyers.

In his supplemental evidence provided the day of the hearing, Mr. Seely analyzes the appraiser's comparable properties by their features and provides another list of five proposed comparable property sales. Using his background in making construction estimates, he added or subtracted value from the comparable properties' assessed value according to the features that the properties and subject property have or don't have.

Ms. Williams testified that the appraiser does not use similar cost-based estimates to value property. She explained the six-year valuation cycle. The first year of the cycle each individual property is inspected and evaluated. In the subsequent five cycles, mass-market adjustments are made to that valuation unless the assessor's office gets information that would significantly raise or lower valuation.

Findings of Fact:

The subject property is a 1,863 square-foot single-family residence with a 440-square foot attached garage, built in 2017 and completed in 2018. The parcel has 24.25 acres of land, most of which is in the timber reserve program and thus not valued as part of the land value. The residence is in a desired area of rural Raymond.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. While the cost basis is a good method for estimating the value of new construction, or helpful in putting a bid on a property for sale, it isn't the method that the appraiser can use. The petitioner's work and spreadsheet is impressive. It purports to break out the land value and improvement value of each comparable property. Unfortunately it does not reference whether the parcel's land is in the timber program, and thus whether the taxable valuation is comparable. Mr. Seely's conclusions, stripped of the cost-based adjustments, do not prove by the requisite standard of proof that the assessor's valuation is in error. Ms. Williams provided comparable properties that illustrate that the mass-market adjustment value of the subject property is not out of line.


The petitioner failed to overcome the presumption of the accuracy of the assessor's valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$54,800 for the land and \$241,900 for the improvements, for a total value of \$296,700.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 8 HEARING TIME: START 2:28PM END 3:06

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 14:30

PETITION NUMBER: 19-044

PROPERTY OWNERS: Estate of Leslie T. Lande
c/o Kristian Lande,
Authorized Agent

PRESENT: YES ☒ NO ☐

Carolyn Lande

ASSESSOR: Bruce Walker, Assessor

Cindy Howard, Appraiser

PRESENT: YES ☐ NO ☒

PRESENT: YES ☒ NO ☐

PARCEL: 15072322000

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$125,400.00	LAND	\$	LAND	\$ <u>90,000</u>
Improvement:	\$386,500.00	IMPR	\$	IMPR	\$ <u>225,000</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$511,900.00	TOTAL	\$	TOTAL	\$ <u>315,000</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	<u>125,400</u>
IMPR	\$	<u>386,500</u>
PERS PROP	\$	
TOTAL	\$	<u>511,900</u>

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Estate of Leslie T. Lande
c/o Kristian Lande, Authorized Agent

Mailing Address: 2577 North River Rd
Cosmopolis, WA 98537-

Other Parties:

Tax Parcel No(s): 15072322000

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-044

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

Assessor's Determination

Assessor Land: \$125,400.00
Assessor Improvement: \$386,500.00
TOTAL: \$511,900.00

Board of Equalization (BOE) Determination

BOE Land: \$125,400.00
BOE Improvement: \$386,500.00
TOTAL: \$511,900.00

Those in attendance at the hearing and findings:

Carolyn Lande, petitioner, and Cindy Howard, Senior Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: **5/12/20**



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellant: Estate of Leslie T. Lande
Petition: 19-044
Parcel: 15072322000
Address: 2573 North River Road, Brooklyn

Hearing: Thursday, March 5, 2020, 2:28 p.m.

Present at hearing:
Carolyn Lande
Cindy Howard, Senior Appraiser

Documents in evidence:
Taxpayer Petition, Filed May 21, 2019
Taxpayer supporting evidence, Filed October 15, 2019
Taxpayer Addendum Comp Properties, Filed day of hearing
Assessor's Answer, Filed October 9, 2019
Assessor's additional photographs and map, Filed day of hearing

Testimony given:
Carolyn Lande
Cindy Howard

Assessor's determination:
Land: \$125,400
Improvements: \$386,500
Total: \$511,900

Taxpayer's estimate:
Land: \$90,000
Improvements: \$225,000
Total: \$315,000

Summation of evidence presented:
In his petition, Kristian Lande states:

Market value, cost and income of potential buyers. The tax value was assessed within the 1% of properties sold last year in the county. Unlike its peers, the properties location is extremely rural (45 minutes from the Grocery store), it is directly adjacent to homes that resemble open salvage yards and this can even be seen on satellite imagery. In considering the costs of the home one must understand that it was owner self-built by Les Lande who in addition to being a local teacher was a trained carpenter thus the professional look of the home is not justified by market conditions. There is little to no chance of being able to rent this property at anything close to its appraised tax value (\$2.8K /fade out/ . . . Due to the directly adjacent neighbors (3 sides) the street appeal is

actually worse than the satellite imagery, please see enclosed photos. This deterioration in street appeal(market value) has accelerated in the last 24 months and the county has been unable to remedy the situation.

Mr. Lande made several other arguments more directly addressed below.

Carolyn Lande testified concerning the distance of the property from medical care and shopping and the neighbors' 'open air junk yards.' She said that the neighbors used to be careful with their properties, but not any more. She said that she inquired of the county Department of Community Development about enforcing the county code and was told that they couldn't or wouldn't enforce without a citizen complaint. She said that she feared making such a complaint because she routinely heard the neighbors shooting firearms and didn't want to arouse their anger, living so far away from any police protection. She said that she didn't believe that it should be her responsibility to make a formal complaint for the county to enforce its own ordinances. (This hearing examiner suggested that she take her story to the relevant deputy prosecutor charged with civil health code enforcement and to the county commissioners who oversee DCD policy and enforcement.)

Ms. Howard testified that the residence is valued average to good, and is located on a beautiful parcel next to North River. She said that they do not take into account the state of neighbors' properties when making appraisals. She also said that this property in 2019 was on the fifth year of the mass-appraisal cycle and would be looked at closer this year.

Ms. Lande repeated the arguments made above and addressed below. When Ms. Howard attempted to explain the valuation and methodology, Ms. Lande frequently interrupted her, so there was not much real communication concerning the differences in belief.

Findings of Fact:

The subject property is a multi-story 2,424 square-foot home built between 2006 and 2011 on 18.67 acres adjacent to North River in the Brooklyn area. The property includes a 1,404 square-foot detached garage built in 2015 and an older 2,400 square-foot barn.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail.

The petitioner makes a number of irrelevant arguments. Relevant arguments contest the valuation of the property based on other similar recent sales, or take the methodology of valuation to task. The appraiser values the property based on a six-year cycle. In the first year, the appraiser values the property based on an individual case-by-case basis by inspecting each property and comparing it to other similar recent sales. In the subsequent five annual cycles, the appraiser applies mass-marketing data adjustments based on the trends for other similar properties, unless receiving new information concerning the property’s condition.

Statistical analysis is difficult in Pacific County because the numbers are few. Ms. Howard has provided eight comparable recent property sales with widely varying characteristics. The eight properties sold for an average of \$393,375. The subject property is valued at \$511,900. The eight properties had an average age of 29 years. The subject property was ten years old at the time of valuation. The eight properties have an average total area of 26.47 acres. The subject property has a total of 30 acres, though only 18.67 are relevant to this taxation assessment. The eight properties have an average price per square foot of \$203.06. The subject property is valued at \$211.18 – four percent higher than the comparable average. Though the appraiser does not, and cannot, use the price per square foot in valuing property, it is a useful metric to see if the valuation is completely out of line. A four percent deviation does not indicate that the appraisal is completely out of line.

The petitioner argues that the value of the undeveloped property in 1999 was \$85,000, equivalent to \$129,000 today according to the rate of general inflation. The petitioner does not compare the rate of general inflation with the market fluctuation of real estate sales, nor does he account for the difference between undeveloped and developed land.

The petitioner attempts to value the property by comparing it to other properties in zone 5 without regard to any of the individual characteristics that form the basis of the appraiser's valuation or distinguishing how his shotgun approach is a better methodology.

The petitioner's 'income assessment' is irrelevant to the appraiser's valuation or methodology. The petitioner fails to establish that this conjectural method has any relevance to real real property sales. The petitioner provides no proof for his conclusion that "the supply is greater for homes >\$400 than there is demand" nor application to market conditions in Pacific County.

The petitioner argues that the value of the property should be reduced because of its distance from grocery stores, hospitals, and other resources in general. The petitioner does not substantiate this argument with sales data. A similar argument could be made as to how rare it would be to find such a nice home so far away from the hustle and bustle. There is no data for either side. Without data, the argument fails.

The petitioner also argues that the value of the property should be reduced because the neighbors are failing to abide by the County's public health ordinances concerning trash, unlicensed vehicles, unpermitted metal scrapping, and air quality. The petitioner also states that they are unwilling to report these violations for fears of neighborly reprisal. The situation is in fact concerning. The hearing examiner suggested alternate routes for the petitioner to address the issue though the political structure of county code enforcement. There was no data given to suggest any particular dollar reduction in property value correlated to the neighbors' violations of county code.

The petitioner failed to overcome the presumption of the accuracy of the assessor's valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$125,400 for the land and \$386,500 for the improvements, for a total value of \$511,900.

DATED MM 4 2020



Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 9 HEARING TIME: START 3:10 PM END 4:07

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 15:00

PETITION NUMBER: 19-048

PROPERTY OWNERS: Yuko Nakaya
c/o Bartley Cavanaugh,
Authorized Agent

PRESENT: YES ☒ NO ☐

Bartley Cavanaugh

ASSESSOR: Bruce Walker, Assessor
Rocky Stamper, Appraiser
+ Connie Williams

PRESENT: YES ☐ NO ☒

PRESENT: YES ☒ NO ☐

PARCEL: 71001010007

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$27,000.00	LAND	\$	LAND	\$ <u>23,000</u>
Improvement:	\$38,300.00	IMPR	\$	IMPR	\$ <u>32,700</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$65,300.00	TOTAL	\$	TOTAL	\$ <u>55,700</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	<u>27,000</u>
IMPR	\$	<u>38,300</u>
PERS PROP	\$	
TOTAL	\$	<u>65,300</u>

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input checked="" type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Yuko Nakaya
c/o Bartley Cavanaugh, Authorized Agent

Mailing Address: 29641 S Western Ave - Unit 418
Rancho Palos Verdes, CA 90275-

Other Parties:

Tax Parcel No(s): 71001010007

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-048

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

Assessor's Determination

Assessor Land: \$27,000.00
Assessor Improvement: \$38,300.00
TOTAL: \$65,300.00

Board of Equalization (BOE) Determination

BOE Land: \$27,000.00
BOE Improvement: \$38,300.00
TOTAL: \$65,300.00

Those in attendance at the hearing and findings:

Bartley W. Cavanaugh, petitioner, was present at the hearing. Connie Williams, Chief Appraiser, and Cindy Howard, Senior Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellant: Yuko Nakaya
Petition: 19-048
Parcel: 71001010007
Address: 800 Cowlitz Street East, South Bend

Hearing: Thursday, March 5, 2020, 3:10 p.m.

Present at hearing:
Bartley W. Cavanaugh, agent and husband of petitioner
Connie Williams, Chief Appraiser
Rocky Stamper, Appraiser

Documents in evidence:
Taxpayer Petition, Filed July 2, 2019
Taxpayer supplementary information, Filed February 7, 2020
Taxpayer “Updated Nakaya Exhibit A”, Filed day of hearing
Assessor’s Answer, Filed January 29, 2020

Testimony given:
Bartley Cavanaugh
Connie Williams

Assessor’s determination:
Land: \$27,000
Improvements: \$38,300
Total: \$65,300

Taxpayer’s estimate:
Land: \$23,000
Improvements: \$32,700
Total: \$55,700

Summation of evidence presented:
While his materials are voluminous, Mr. Cavanaugh’s two arguments can be summarized briefly. First, Mr. Cavanaugh maintains that the mass-market appraisal done on this particular property is based on flawed statistics in that it relies on too few sample data points to be methodologically secure. In short, Mr. Cavanaugh testified that the appraiser was “cherry picking data” to support her valuation. Mr. Cavanaugh questioned why Ms. Nakaya’s property went so far up in value compared to her neighbors in particular and the county’s set of single family homes in general.

Ms. Williams responded that it was true that Pacific County’s mass-market appraisal was hampered in that there are few properties in question and thus fewer data points. She said that she was required by law to use the mass-market appraisal and the data that she had available.

With this she said that Ms. Nakaya's property went up in value in comparison with her neighbors because Ms. Nakaya's property was not 'view property' like her neighbors and that non-view property went up more in value in the last annual cycle than did view property. She said that in earlier years, the view property had increased at a greater rate than non-view property. She testified that Ms. Nakaya's property was valued similarly to other similar properties, rather than the undifferentiated properties offered by Mr. Cavanaugh, because that was the method she was required by law to follow. She testified that, in short, it produced more accurate valuations to value similar properties similarly even if the raw numbers were fewer.

Mr. Cavanaugh's second argument was to point out that the only two people in Ms. Nakaya's neighborhood who had their values increase substantially were her and a man with a Hispanic name. He alleged that the racially disparate impact called into question whether the appraiser's methodology was racially neutral.

Ms. Williams replied by repeating what she had said earlier, the two properties that increased so substantially in value over that of their neighbors did not have view properties. The neighbors had view properties and these did not increase in value as much this annual cycle. She said that she did not take into account the ethnic heritage of people when she valued property, only the characteristics of their properties. With Ms. Williams presenting a credible racially-neutral explanation for the disparate impact, the burden shifts back to Mr. Cavanaugh to prove his point.

Mr. Cavanaugh's argument concerning disparate racial impact relied solely on these two data points and thus his statistical methodology does not prove his argument.

Findings of Fact:

The subject property is an 1,136 square-foot single-story home with a 576 square-foot detached garage built in approximately 1952 on a 0.25-acre lot in the Alta Vista neighborhood of South Bend.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. Mr. Cavanaugh did not prove that the appraiser’s methodology was fundamentally flawed because she used fewer, more similar properties in establishing a market trend. Mr. Cavanaugh did not prove that the appraiser’s methodology had a disparate impact on a protected class of citizen. He presented too few examples of disparate impact to prove that it was anything other than a coincidence in this particular small neighborhood. Mr. Cavanaugh’s argument concerning disparate racial impact relied solely on these two data points and thus his statistical methodology does not prove his point.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$27,000 for the land and \$38,300 for the improvements, for a total value of \$65,300.

DATED MAY 4 2020



Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 2 HEARING TIME: START 8:57am END 9:29

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 09:00

PETITION NUMBER: 19-051A

PROPERTY OWNERS: Sandra Lee Nelson

PRESENT: YES ☒ NO ☐

(via telephone)

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES ☐ NO ☒

Connie Williams Appraiser

PRESENT: YES ☒ NO ☐

PARCEL: 76010000088

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$18,000.00	LAND	\$	LAND	\$ 15,000
Improvement:	\$0.00	IMPR	\$	IMPR	\$
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$18,000.00	TOTAL	\$	TOTAL	\$ 15,000

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	18,000
IMPR	\$	
PERS PROP	\$	
TOTAL	\$	18,000

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 2 HEARING TIME: START 8:57am END 9:29

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 09:00

PETITION NUMBER: 19-051B

PROPERTY OWNERS: Sandra Lee Nelson

PRESENT: YES ☒ NO ☐
(via telephone)

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES ☐ NO ☒

Connie Williams, Appraiser

PRESENT: YES ☒ NO ☐

PARCEL: 76010000089

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$18,000.00	LAND	\$	LAND	\$ 15,000
Improvement:	\$9,700.00	IMPR	\$	IMPR	\$ 8,000
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$27,700.00	TOTAL	\$	TOTAL	\$ 23,000

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	18,000
IMPR	\$	9,700
PERS PROP	\$	
TOTAL	\$	27,700

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Sandra Lee Nelson

Mailing Address: 29018 H St
Ocean Park, WA 98640-

Other Parties:

Tax Parcel No(s): 76010000088

Assessment Year: 2019 (Taxes Payable in 2020) Petition Number: 19-051A

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

Assessor's Determination

Assessor Land: \$18,000.00
Assessor Improvement: \$0.00
TOTAL: \$18,000.00

Board of Equalization (BOE) Determination

BOE Land: \$18,000.00
BOE Improvement: \$0.00
TOTAL: \$18,000.00

Those in attendance at the hearing and findings:

Sandra Lee Nelson, Petitioner, was present via a telephone conference call. Connie Williams, Chief Appraiser, and Kellie Moudry, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020


Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: **5/12/20**



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Sandra Lee Nelson

Mailing Address: 29018 H St
Ocean Park, WA 98640-

Other Parties:

Tax Parcel No(s): 76010000089

Assessment Year: 2019 (Taxes Payable in 2020) Petition Number: 19-051B

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

Assessor's Determination

Assessor Land: \$18,000.00
Assessor Improvement: \$9,700.00
TOTAL: \$27,700.00

Board of Equalization (BOE) Determination

BOE Land: \$18,000.00
BOE Improvement: \$9,700.00
TOTAL: \$27,700.00

Those in attendance at the hearing and findings:

Sandra Lee Nelson, Petitioner, was present via a telephone conference call. Connie Williams, Chief Appraiser, and Kellie Moudry, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020


Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellant: Sandra Lee Nelson
Petition: 19-051A and B
Parcels: 76010000088 (A) and 76010000089 (B)
Address: Ocean Park Beach Replat

Hearing: Thursday, March 5, 2020, 8:57 a.m.

Present at hearing:
Sandra Nelson, via telephone
Connie Williams, Chief Appraiser
Kellie Moudry, Appraiser

Documents in evidence:
Taxpayer Petitions, Filed July 8, 2019
Taxpayer Letter, Filed February 14, 2020
Assessor's Answer, Filed September 23, 2019 (A) & September 24, 2019 (B)

Testimony given:
Sandra Nelson
Connie Williams

19-051A
Assessor's determination:
Land: \$18,000
Improvements: \$0
Total: \$18,000

Taxpayer's estimate:
Land: \$15,000
Improvements: \$0
Total: \$15,000

19-051B
Assessor's determination:
Land: \$18,000
Improvements: \$9,700
Total: \$27,700

Taxpayer's estimate:
Land: \$15,000
Improvements: \$8,000
Total: \$23,000

Summation of evidence presented:

In her petition concerning parcel 76010000088 (A), Sandra Nelson stated, "As this is a non-buildable lot I don't think valuation market value." As to parcel 76010000089 (B), Ms. Nelson stated, "Non buildable lot – valuation does not reflect market value."

In her letter of February 12, 2020, Ms. Nelson provides proposed comparable sales. She says, The subject properties consist of .11-acre lots (outside of Surfside Estates). One of the lots has a pole building being used as a garage, the other is bare. This property is separately owned by myself and not part of community property (and never has been). These lots should NOT be valued as part of a 5 lot site. I fail to see the significance of the comment made by the assessor that they are more valuable because they are across the street from ocean-front lots. All the property across the street is private property with "no trespassing" signs posted. There is no public access along this street until you reach 295th to the north.

These lots would need to have a well and a septic installed as well as lot clearing and leveling in order to put a dwelling on them. They would also have to be sold as one unit as one cannot build on a 50 x 50 lot in this area. To date they are still separate lots. As I am sure you are aware, there is no "public" water system in this area nor is trash included, security or any of the other amenities provided for the residents/owners of Surfside Estates.

The pole building on parcel 79010000089 [sic] (should be parcel 76010000089) was built in 2004, more than 15 years ago. As with most pole buildings in this area it has been degraded with the weather and the salt air. It is actually considered a depreciable piece of property. Rather than allow for this the assessor has increased the value when clearly that is not the case.

All of the properties on list of comparables are larger than the individual lot size of the subject properties and yet have sold for much less than the assessor has valued the subject properties.

Brooke Andrews (former Pacific County Appraiser) responded to the petition in A by citing three comparable vacant 0.13-acre lots in Surfside Estates selling for an average of \$156,154 per acre. The subject property is 0.11 acre valued at \$18,000, or \$163,636 per acre (105 percent more than the comparable average).

Ms. Nelson testified similarly to her written appeal. She said that the parcels were separate lots and should not be valued together, particularly those part of her marital rather than separate property.

Connie Williams testified that the value was set in part because of the location, across the street from ocean-front lots. She agreed that the subject properties may not have views or direct access to the ocean, but that the proximity alone increased the value. She said that the appraisal was based on the fact that the property had five parcels with two different sets of owners, Ms. Nelson and her marital community. She said that these adjoining properties were valued at \$20,000

separately, but reduced to \$15,000 as adjoining, and then the annual mass adjustment lifted the value of each to \$18,000.

Ms. Williams testified that Ms. Nelson's proposed comparable sales were either dissimilar or not arm's-length transactions. #1 was an unbuildable lot. #2 was an estate sale. #3 was a canal lot not sold on the open market but between two neighbors. #4 was a Quit Claim Deed that was not on the market.

Ms. Nelson had questions about how the appraiser got the market value, and Ms. Williams testified concerning the 6-year cycle of individual appraisal followed by annual mass-market adjustments.

Ms. Nelson said that her pole building had depreciated because of the normal wear on metal buildings in salt air. Ms. Williams said that in fact the market price of properties with pole buildings has increased even with aging structures.

Findings of Fact:

The subject properties are two adjoining 0.11-acre parcels, one with a pole building garage, in Ocean Park across the street from ocean-front properties. One of these parcels is adjacent to three other parcels own by Ms. Nelson's marital community, the subject of appeal #19-052. With the exception of the pole building, the land is undeveloped.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. The fact that there are two parcels and are not owned by the same entity as the adjoining three parcels does not reduce their value. Because the separate parcels are owned by Ms. Nelson and her marital community, there is no arm’s-length negotiating distance in any particular parcel. While Ms. Nelson may choose to act separately from the co-owner of the other parcels, this potential does not alter the valuation of these two parcels. Ms. Nelson has the separate authority to sell the two subject parcels together as a developable lot should she choose.

Ms. Nelson’s valuation of her pole building is unsupported by comparable sales data. Her arguments concerning the diminution of value of her property because it doesn’t have a view or direct access to the ocean is unsupported by comparable sales data. Her comparable sales are not arm’s-length transactions and cannot support her argument.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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:

19-051A: The Examiner proposes that the Pacific County Board of Equalization uphold the assessed value of \$18,000 for the land and \$0 for the improvements, for a total value of \$18,000.

19-051B: The Examiner proposes that the Pacific County Board of Equalization uphold the assessed value of \$18,000 for the land and \$9,700 for the improvements, for a total value of \$27,700.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 3 HEARING TIME: START 9:31am END 9:39

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

PETITION NUMBER: 19-052

HEARING TIME: 09:30

PROPERTY OWNERS: Michael & Sandra Nelson

PRESENT: YES ☒ NO ☐
(via telephone)

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES ☐ NO ☒

Connie Williams, Appraiser

PRESENT: YES ☒ NO ☐

PARCEL: 76010000090

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$84,000.00	LAND	\$	LAND	\$ <u>70,000</u>
Improvement:	\$224,200.00	IMPR	\$	IMPR	\$ <u>198,900</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$308,200.00	TOTAL	\$	TOTAL	\$ <u>268,900</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	<u>84,000</u>
IMPR	\$	<u>224,200</u>
PERS PROP	\$	
TOTAL	\$	<u>308,200</u>

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Michael & Sandra Nelson

Mailing Address: 29018 H St
Ocean Park, WA 98640-

Other Parties:

Tax Parcel No(s): 76010000090

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-052

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

Assessor's Determination

Assessor Land: \$84,000.00
Assessor Improvement: \$224,200.00
TOTAL: \$308,200.00

Board of Equalization (BOE) Determination

BOE Land: \$84,000.00
BOE Improvement: \$224,200.00
TOTAL: \$308,200.00

Those in attendance at the hearing and findings:

Sandra Lee Nelson, Petitioner, was present via a telephone conference call. Connie Williams, Chief Appraiser, and Kellie Moudry, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellants: Sandra and Michael Nelson
Petition: 19-052
Parcel: 76010000090
Address: 29018 H Street, Ocean Park

Hearing: Thursday, March 5, 2020, 9:31 a.m.

Present at hearing:
Sandra Nelson, via telephone
Connie Williams, Chief Appraiser
Kellie Moudry, Appraiser

Documents in evidence:
Taxpayer Petition, Filed July 2, 2019
Taxpayer Letter, Filed February 12, 2020
Assessor's Answer, Filed September 23, 2019

Testimony given:
Sandra Nelson
Connie Williams

19-052
Assessor's determination:
Land: \$84,000
Improvements: \$224,200
Total: \$308,200

Taxpayer's estimate:
Land: \$70,000
Improvements: \$198,900
Total: \$268,900

Summation of evidence presented:
In her petition, Sandra Nelson stated, "Sales figures provided by the assessor's [sic] office do not support the true & fair value assigned to this property."

In her letter of February 9, 2020, Ms. Nelson provides proposed comparable sales. Removing comparable #4 because it was a foreclosure and not an arm's-length sale, the average sale price per square foot was \$148, slightly greater than the valuation of the subject property at \$142.69 per square foot.

Brooke Andrews (former Pacific County Appraiser) responded to the petition in A by citing three comparable recent sales. The four comparable sales examples, all in Surfside Estates,

averaged .85 acre lot holding a 1,794 square foot residence with an average sale price of \$305,500 and price per square foot of \$172.26. The subject property, not in Surfside Estates, is a 2,160 residence on 0.34 acre valued at \$308,200, or \$142.69 per square foot. While the appraiser does value on price per square foot, this metric demonstrates that the appraisal is not out of line.

Ms. Nelson testified that she had nothing to add to the written petition. Connie Williams testified that the property sales that Ms. Nelson supplied were dissimilar. Sale #4 was a foreclosure.

Findings of Fact:

The subject property is a 2,160 square-foot residence with a built-in garage and adjacent detached garage built in 1995. The parcel contains three lots totaling 0.34 acre just outside of Surfside Estates, across the street from ocean-front lots.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. The comparable sales data provided by Ms. Nelson, removing the foreclosure sale, demonstrates that the assessed valuation is reasonable.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$84,000 for the land and \$224,200 for the improvements, for a total value of \$308,200.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 6 HEARING TIME: START 11:00am END #97 11:50

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

HEARING TIME: 11:00

PETITION NUMBER: 19-056

PROPERTY OWNERS: Carl & Francine
Steuernagel

PRESENT: YES ☒ NO ☐

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES ☐ NO ☒

Cindy Howard Appraiser

PRESENT: YES ☒ NO ☐

PARCEL: 74071026004

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$32,200.00	LAND	\$	LAND	\$ <u>22,200</u>
Improvement:	\$72,300.00	IMPR	\$	IMPR	\$ <u>32,000</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$104,500.00	TOTAL	\$	TOTAL	\$ <u>54,200</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD ☐ VALUE ADJUSTED:

LAND	\$	<u>32,200</u>
IMPR	\$	<u>72,300</u>
PERS PROP	\$	
TOTAL	\$	<u>104,500</u>

REASONS:

- | | |
|---|--|
| 1) <input type="checkbox"/> Sales of Comparable Property | 11) <input type="checkbox"/> Income analysis |
| 2) <input type="checkbox"/> Total Value | 12) <input type="checkbox"/> Value in use |
| 3) <input type="checkbox"/> Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) <input type="checkbox"/> Purchase price of subject | 14) <input type="checkbox"/> Incorrect property characteristic |
| 5) <input type="checkbox"/> Improvement low/value in land | 15) <input type="checkbox"/> Petitioner accepts value |
| 6) <input type="checkbox"/> Unique land features (specify) | 16) <input type="checkbox"/> Uphold/conflict of interest |
| 7) <input type="checkbox"/> Deferred maintenance of improvement | 17) <input type="checkbox"/> Obsolescence of improvement |
| 8) <input type="checkbox"/> Cost to cure | 18) <input type="checkbox"/> Location limits value |
| 9) <input type="checkbox"/> Cost to develop | 19) <input type="checkbox"/> Documentation of non-perc |
| 10) <input type="checkbox"/> Cost Approach | 20) <input type="checkbox"/> Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Carl & Francine Steuernagel

Mailing Address: 20310 Crane Place
Ocean Park, WA 98640-

Other Parties:

Tax Parcel No(s): 74071026004

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-056

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

Assessor's Determination

Assessor Land: \$32,200.00
Assessor Improvement: \$72,300.00
TOTAL: \$104,500.00

Board of Equalization (BOE) Determination

BOE Land: \$32,200.00
BOE Improvement: \$72,300.00
TOTAL: \$104,500.00

Those in attendance at the hearing and findings:

Carl Steuernagel, petitioner, and Cindy Howard, Senior Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellant: Carl and Francine Steuernagel
Petition: 19-056
Parcel: 74071026004
Address: 20310 Crane Place, Ocean Park

Hearing: Thursday, March 5, 2020, 11:00 a.m.

Present at hearing:
Carl Steuernagel
Cindy Howard, Senior Appraiser

Documents in evidence:
Taxpayer Petition, Filed June 24, 2019
Taxpayer supplement, Filed February 5, 2020
Taxpayer supplement “Additions - Disputes”, Filed day of hearing
Assessor’s Answer, Filed September 17, 2019

Testimony given:
Carl Steuernagel
Cindy Howard

Assessor’s determination:
Land: \$32,200
Improvements: \$72,300
Total: \$104,500

Taxpayer’s estimate:
Land: \$22,200
Improvements: \$32,000
Total: \$54,200

Summation of evidence presented and findings of fact:
The subject property is a 1 ½ story, 1,462 square foot single-family home on 0.17 acre. The house was built in 1920 and later moved to the current site. The property also includes a detached garage with an upper story.

The basis of Mr. Steuernagel’s petition is that the subject residence is infested with powder post beetle. The beetle cannot be eradicated (though on rare occasions it simply flies away). Unless this is a very rare occasion, the beetle will eventually render the residence uninhabitable and ultimately destroy it. Mr. Steuernagel cannot sell the property without disclosing the infestation to the purchaser.

Ms. Howard testified that she originally valued the house at \$157,000. She then depreciated it by 50 percent of that value because the residence has fallen so far, and then depreciated that figure by another 50 percent for “functional obsolescence.” After Ms. Howard had valued the home, the Chief Appraiser applied the same mass-market valuation increase as for other similar properties in Mr. Steuernagel’s neighborhood code. It is uncontested that there are no other properties with this powder post beetle issue available to use as comparable sales data.

Mr. Steuernagel testifies that his house continues to go down in value because it continues to deteriorate.

Ms. Howard testified that the value of the place increases despite the insect degradation. She said that the house is capable of being lived in, and so it is capable of being sold ‘as-is.’

Mr. Steuernagel disagrees with the appraiser’s characterization of his garage as having “finished living space.” However, in the discussion between the appraiser and the petitioner, it seemed as though both had quite similar understandings as to its condition. Thus the difference is probably one of terms rather than substance.

Mr. Steuernagel testified that the value of the land should be reduced by \$10,000 – the cost of tearing down and removing the house after the beetles get the upper hand.

Ms. Howard provided a variety of comparable sales of allegedly similar properties. Only one of those comparable properties had an insect infestation, and according to testimony by Mr. Steuernagel the insect in the other property, the “Mays” property, is termites. Termites can be eradicated. Powder puff beetles cannot unless the peninsula suffers an incredible cold snap. Based on other characteristics of Mr. Mays’ property cited by Mr. Steuernagel it seems that the greatest similarity between the two properties is that they both host insects. Therefore, the comparable properties are of little value.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. The petitioner can prevail if he can demonstrate that the methodology of valuation is flawed, or if sales of comparable properties demonstrate an error in valuation. There are simply no comparable properties cited by Mr. Steuernagel to substantiate his argument. Perhaps if he were to cast his net wider. His arguments concerning the damage to his house causing the resulting impediments to selling are well taken, but these do not translate into a dollar valuation.

The appraiser did well to reduce the value by 50 percent for depreciation of this 100-year-old home and by another 50 percent of that value because of the incurable infestation. She testified that after she got to this value (apparently then accepted by the owner) the Chief Appraiser raised the value based on the annual mass-market adjustment. By law, she had to follow this methodology in absence of any particular knowledge about the property raising or lowering its value. (e.g.: a new deck or a new septic failure) While a rising tide lifts all boats, it is questionable whether it lifts a boat with a hole in the hull. However, there is no data to support either side of this argument.

The list of comparable property sales provided by the appraiser provide little guidance because of their dissimilarity. However, the appraiser has no burden of coming forward, no burden of persuasion.

The reduction of value of the land because of the need to demolish the house is not ripe until the need arises, and is thus denied.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$32,200 for the land and \$72,300 for the improvements, for a total value of \$104,500.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 1 HEARING TIME: START 8:35am END 8:53

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

PETITION NUMBER: 19-071

HEARING TIME: 08:30

PROPERTY OWNERS: Thomas & JoAnn Williams

PRESENT: YES _____ NO ☒

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES _____ NO ☒

Connie Williams Appraiser

PRESENT: YES ☒ NO _____

PARCEL: 77011004021

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$30,000.00	LAND	\$	LAND	\$ <u>15,800</u>
Improvement:	\$280,300.00	IMPR	\$	IMPR	\$ <u>280,300</u>
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$310,300.00	TOTAL	\$	TOTAL	\$ <u>296,100</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD _____ VALUE ADJUSTED:

LAND	\$	<u>30,000</u>
IMPR	\$	<u>280,300</u>
PERS PROP	\$	
TOTAL	\$	<u>310,300</u>

REASONS:

- | | |
|--|--|
| 1) _____ Sales of Comparable Property | 11) _____ Income analysis |
| 2) _____ Total Value | 12) _____ Value in use |
| 3) _____ Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) _____ Purchase price of subject | 14) _____ Incorrect property characteristic |
| 5) _____ Improvement low/value in land | 15) _____ Petitioner accepts value |
| 6) _____ Unique land features (specify) | 16) _____ Uphold/conflict of interest |
| 7) _____ Deferred maintenance of improvement | 17) _____ Obsolescence of improvement |
| 8) _____ Cost to cure | 18) _____ Location limits value |
| 9) _____ Cost to develop | 19) _____ Documentation of non-perc |
| 10) _____ Cost Approach | 20) _____ Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Thomas & JoAnn Williams

Mailing Address: 5510 SW 203rd Ave
Aloha, OR 97078-

Other Parties:

Tax Parcel No(s): 77011004021

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-071

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

Assessor's Determination

Assessor Land: \$30,000.00
Assessor Improvement: \$280,300.00
TOTAL: \$310,300.00

Board of Equalization (BOE) Determination

BOE Land: \$30,000.00
BOE Improvement: \$280,300.00
TOTAL: \$310,300.00

Those in attendance at the hearing and findings:

Petitioners were not present at the hearing. Connie Williams, Chief Appraiser, and Kellie Moudry, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellants: Thomas and JoAnn Williams
Petition: 19-071
Parcel: 77011004021
Address: 33405 H Place, Ocean Park/Surfside Estates

Hearing: Thursday, March 5, 2020, 8:35 a.m.

Present at hearing:
Connie Williams, Chief Appraiser
Kellie Moudry, Appraiser

Documents in evidence:
Taxpayer Petition, Filed October 1, 2019
Assessor's Answer, Filed January 13, 2020

Testimony given:
Connie Williams

Assessor's determination:
Land: \$30,000
Improvements: \$280,300
Total: \$310,300

Taxpayer's estimate:
Land: \$15,800
Improvements: \$280,300
Total: \$296,100

Summation of evidence presented:
In his petition, Thomas Williams stated, "This is a new construction house that was completed in May of 2019. We purchased the home in May of 2019. The assessed value of the land for 2018 was \$15,800. I don't believe the land value increased to \$30,000 in 3 months time."

Connie Williams testified that the land was originally valued as being unimproved. The assessed January 1, 2019, value was based on it's having been improved, namely, that it had electric, water, and sewer service installed. Thus, the land value increased from \$15,800 to \$30,000.

Findings of Fact:
The subject property is a .21 acre parcel on a canal front in Surfside Estates with a 1,733 square-foot single-family residence and a 484square-foot attached garage.

The house and garage were built in 2018. The petitioner homeowner purchased this property May 7, 2019.

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 84.40.0301

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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. The appraiser provided a credible explanation as to why the value of the land nearly doubled in a few short months – the value of the electric, water, and sewer improvements.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$30,000 for the land and \$280,300 for the improvements, for a total value of \$310,300.

DATED MAY 4 2020


Eric Weston, Hearing Examiner

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

HEARING AND DECISION WORKSHEET

RECORDING # 5 HEARING TIME: START 10:45am END 10:50

HEARING LOCATION: General
Administration Conf. Rm., Courthouse Annex

HEARING DATE: 3/5/2020

PETITION NUMBER: 19-072

HEARING TIME: 10:30

PROPERTY OWNERS: Donald & Louise Taylor

PRESENT: YES _____ NO ☒

ASSESSOR: Bruce Walker, Assessor

PRESENT: YES _____ NO ☒

Rocky Stamper, Appraiser

PRESENT: YES ☒ NO _____

PARCEL: 75015032007

LOCATION: GA Conference Room

HEARD BY: Eric Weston, Hearing Examiner

DATE: 3/5/2020

ASSESSMENT: YEAR - 2019 FOR TAXES PAYABLE IN YEAR - 2020

ASSESSMENT YEAR: 2019		ASSESSOR'S RECOMMENDATION		PETITIONER'S VALUE	
Land:	\$34,500.00	LAND	\$	LAND	\$ <u>30,000</u>
Improvement:	\$0.00	IMPR	\$	IMPR	\$
Pers Prop:	\$0.00	PERS PROP	\$	PERS PROP	\$
TOTAL:	\$34,500.00	TOTAL	\$	TOTAL	\$ <u>30,000</u>

NOTES: _____

PROPOSED DECISION:

☒ ASSESSMENT UPHELD _____ VALUE ADJUSTED:

LAND	\$	<u>34,500</u>
IMPR	\$	<u>0</u>
PERS PROP	\$	
TOTAL	\$	<u>34,500</u>

REASONS:

- | | |
|--|--|
| 1) _____ Sales of Comparable Property | 11) _____ Income analysis |
| 2) _____ Total Value | 12) _____ Value in use |
| 3) _____ Uphold: AV within market | 13) <input checked="" type="checkbox"/> Insufficient evidence (uphold) |
| 4) _____ Purchase price of subject | 14) _____ Incorrect property characteristic |
| 5) _____ Improvement low/value in land | 15) _____ Petitioner accepts value |
| 6) _____ Unique land features (specify) | 16) _____ Uphold/conflict of interest |
| 7) _____ Deferred maintenance of improvement | 17) _____ Obsolescence of improvement |
| 8) _____ Cost to cure | 18) _____ Location limits value |
| 9) _____ Cost to develop | 19) _____ Documentation of non-perc |
| 10) _____ Cost Approach | 20) _____ Other as Specified |

**PACIFIC COUNTY
BOARD OF EQUALIZATION**

P.O. Box 6, South Bend, WA 98586
360-875-9334 or 360-642-9334

ORDER OF THE PACIFIC COUNTY BOARD OF EQUALIZATION

Property Owner(s): Donald & Louise Taylor

Mailing Address: 3613 McCormick St SE
Olympia, WA 98501-

Other Parties:

Tax Parcel No(s): 75015032007

Assessment Year: 2019 (Taxes Payable in 2020) **Petition Number:** 19-072

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

Assessor's Determination

Assessor Land: \$34,500.00
Assessor Improvement: \$0.00
TOTAL: \$34,500.00

Board of Equalization (BOE) Determination

BOE Land: \$34,500.00
BOE Improvement: \$0.00
TOTAL: \$34,500.00

Those in attendance at the hearing and findings:

Petitioners were not present at the hearing. Rocky Stamper, Appraiser of the Assessor's Office, was present at the hearing. The decision of the Board is based on the attached Proposed Decision by Eric Weston, Hearing Examiner.

Hearing Held On: Thursday, March 5, 2020

Decision Entered On: Tuesday, May 12, 2020

Hearing Examiner: Eric Weston

Date Mailed: 5/12/20



Chairperson (or 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 Pacific County Board of Equalization Clerk or the Washington State Board of Tax Appeals.

PACIFIC COUNTY BOARD OF EQUALIZATION – PROPOSED DECISION

Appellants: Donald and Louise Taylor

Petition: 19-072

Parcel: 75015032007

Address: Ocean Park

Hearing: Thursday, March 5, 2020, 10:45 a.m.

Present at hearing:

Rocky Stamper, Appraiser

Documents in evidence:

Taxpayer Petition, Filed October 26, 2019

Taxpayer letter, Filed January 29, 2020

Assessor's Answer, Filed January 29, 2020

Testimony given:

Rocky Stamper

Assessor's determination:

Land: \$34,500

Improvements: \$0

Total: \$34,500

Taxpayer's estimate:

Land: \$30,000

Improvements: \$0

Total: \$30,000

Summation of evidence presented:

In his petition, Mr. Taylor states:

Parcel 75015032005 contained 6 lots and was revalued @ \$46,000 or \$7,666.67 per lot.

Lots 5 & 6 were sold and I got a corrected statement of \$34,500 or 8625 per lot.

Lots 5 & 6 were sold 7/19 for a gross of \$17,500 net to seller of 14,630.40. They say that this sale would not apply 2019 Ass roll but they have used it to raise the value per lot.

The county appraiser said they use a method of 20,000 for two lots (indcipherable) balance is at a different rate. It true is the case their application of \$20,000 for the 2 lots is shown to be wrong by the sale. I did not protest the original assmet (indcipherable) of 46,000 but do protest the \$34,500 segregation. (see attached)

Attached is a 5/31/2019 notice with the following handwriting on it:

This lot has no access and is way //indcipherable// a valuation but I did not protest.

Before seq 46,000 / 6 = 7666.67 per lot.

I was an appraiser for over 40 yrs., Pac.Co., Dept of Revenue, State D.O. T. and over 20 yrs as a fee appraiser. I fully understand the difficult task of mass appraising. The appraisals on the subject parcel have been up and down over the years, one time near \$60,000. I'm now 89 and trying to dispose of some of my holdings. As I stated before I did not protest the \$46,000 but I don't agree with the corrected value after the sale.

In his letter filed January 29, 2020, Mr. Taylor explains his position as it regards to a conversation he had with "Cindy Williams." None of this conversation is presented by the assessor's office in support of their position. There is a Connie Williams and a Cindy Howard, but no Cindy Williams in the Assessor's Office.

Findings of Fact:

The subject property is a 0.46-acre parcel composed of four adjacent undeveloped lots in Ocean Park.

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 84.40.0301

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:

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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

The petitioner did not provide sufficient clear, cogent and convincing evidence to prevail. Mr. Taylor says that the subject parcel had earlier been composed of six lots valued at \$46,000 (in 2018? 2019?) with an average price per lot of \$7,666. He says that he sold two of the lots and the resultant four-lot parcel was then valued at \$34,500, or an average price per lot of \$8,625. He questions how this undeveloped land could jump in value by \$1,000 per lot. If I understand the explanation that he was given by someone in the assessor’s office, it is because they value the first two lots together as \$20,000 and the additional lots at \$7,250 each. If I understand the explanation, when the parcel contained six lots, the first two were valued at \$20,000 and the additional four lots valued at \$6,500 each. If I understand the explanation, the value of the first two lots remained unchanged (unlikely), and the difference between \$7,250 and \$6,500 of the additional lot is almost a 12 percent increase. This 12 percent market increase does not seem so out of line as to call into question the appraiser’s results or methodology.

The list of comparable property sales provided by the appraiser provides no comparison as to location or size, only the conclusory statement that they are comparable. There is no analysis relating their sale price to the January 1, 2019, valuation time of the subject property. However, the appraiser has no burden of coming forward, no burden of persuasion.

The petitioner failed to overcome the presumption of the accuracy of the assessor’s valuation.

Every finding of fact that 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 Pacific County Board of Equalization uphold the assessed value of \$34,500 for the land and \$0 for the improvements, for a total value of \$34,500.

DATED MAY 4 2020



Eric Weston, Hearing Examiner