

**Order of the Thurston County
Board of Equalization**

Property TIMBERLAND BANK (PRIOR OWNER) AND ROBERT HIGHLEY (NEW OWNER)
Parcel Number(s): 55200100000
Assessment Year: 2016 Petition Number: 16-0629

Having considered the evidence presented by the parties in this appeal, the Board hereby:

☐ sustains ☒ overrules the determination of the assessor.

Assessor's True and Fair Value Determination

| | |
|--|-------------------|
| <input checked="" type="checkbox"/> Land | \$ 791,800 |
| <input checked="" type="checkbox"/> Improvements | \$ 0 |
| <input type="checkbox"/> Minerals | \$ |
| <input type="checkbox"/> Personal Property | \$ |
| TOTAL: | \$ 791,800 |

BOE True and Fair Value Determination

| | |
|--|-------------------|
| <input checked="" type="checkbox"/> Land | \$ 350,000 |
| <input checked="" type="checkbox"/> Improvements | \$ 0 |
| <input type="checkbox"/> Minerals | \$ |
| <input type="checkbox"/> Personal Property | \$ |
| TOTAL: | \$ 350,000 |

This decision is based on our finding that: The Board overrules the Assessor's determination of value based on the testimony and evidence presented. This petition was the result of a request for reconvening ordered by the Department of Revenue.

The Assessor recommended a reduction in the valuation to \$642,250. This reduction is due to an adjustment in the size of the subject parcel. The Board finds that this is a manifest error correction pursuant to RCW 84.48.065(1)(a) so that standard of review remains clear, cogent, and convincing evidence.

Michael Lawrence represented both the prior owner, Timberland Bank, and the current owner, Robert Highley. Mr. Lawrence testified that Timberland Bank acquired the subject property through foreclosure and sold the property to Robert Highley for \$300,000 on February 13, 2017. The Board finds that it transferred via a bargain and sale deed. Mr. Lawrence indicated that the subject property was not listed at the time of purchase. Mr. Lawrence testified about: the limitations of the neighborhood commercial zoning; issues with the discrepancy of the parcel size; wetlands; geotechnical issues; a large storm water pond; and the significant development costs associated with the subject property due to the extreme difficulty of cutting utility trenches through the bedrock. Mr. Lawrence testified about the percentage increase in the assessed value from the 2016 assessment year to the 2017 assessment year. The Board only considered the 2016 assessed value at this hearing. Mr. Lawrence testified that the subject property was rezoned to multi-family medium density residential, 7 to 15 units per acre. He argues that a maximum of 14 units could be constructed, less the setbacks from the wetlands and steep slopes that limit development.

Commercial Appraiser Teresa Hoyer represented the Assessor's Office. She provided a market-adjusted cost approach and comparable sales in support of the recommended value. Ms. Hoyer reviewed the listing history of the subject property. She explained that the subject property was listed from June 1, 2014 to August 28, 2015, with the last listing price of \$300,000. She noted that the property was also listed from November 18, 2015 to July 1, 2016. Ms. Hoyer testified that the prior owner, Timberland Bank, appealed the 2015 assessed value and their representative made claims regarding less acreage and wetlands but provided no documentation to the Assessor's Office and the Board. She reported that the survey was not recorded nor submitted to the Assessor's Office for review despite numerous requests to produce the survey and the wetlands study. Ms. Hoyer testified that the Assessor's Office changed the size of the parcel once the survey was provided. She explained that the subject property was a remainder parcel and that the legal description of property cannot be changed without documentation.

Thurston County Board of Equalization

Petition Number 16-0629

Timberland Bank (Prior Owner) and Robert Highley (New Owner)

Page Two

Ms. Hoyer testified that the zoning change was not relevant for the 2016 assessment year, but that this led to a revaluation of the subject property for the 2017 assessment year. She explained that it is uncertain whether the wetlands on the subject property will require mitigation.

The Board finds that the subject property was previously listed and exposed to the market. The Board finds that the Assessor's comparable sales are not the same neighborhood commercial zoning as the subject property. The Board concludes that the Petitioners' Representative provided clear, cogent, and convincing evidence sufficient to overcome the Assessor's presumption of correctness and to warrant a reduction in the valuation.

Dated this 2nd day of November, 2017


James Harvison, Chairman


Ruth J. Elder, Clerk of the Board

NOTICE

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 or at their website at bta.state.wa.us/appeal/forms.htm within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either your county assessor or the State Board.

To ask about the availability of this publication in an alternate format for the visually impaired, please call 1-800-647-7706. Teletype (TTY) users use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

Distribution: • Assessor • Petitioner • BOE File

REV 64 0058 (6/9/14)

SHIPPED NOV 17 2017