

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

Property Owner: NEW MARKET I PARTNERSHIP

Parcel Number(s): 58100002301

Assessment Year: 2017

Petition Number: 17-0209

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	\$ 276,000
<input checked="" type="checkbox"/> Improvements	\$ 129,100
<input type="checkbox"/> Minerals	\$
<input type="checkbox"/> Personal Property	\$
TOTAL:	\$ 405,100

BOE True and Fair Value Determination

<input checked="" type="checkbox"/> Land	\$ 248,400
<input checked="" type="checkbox"/> Improvements	\$ 129,100
<input type="checkbox"/> Minerals	\$
<input type="checkbox"/> Personal Property	\$
TOTAL:	\$ 377,500

This decision is based on our finding that: The Board adopts the Assessor's recommended reduction based on the testimony and evidence presented.

The Petitioner, Joe Illing, testified that: the subject property is contaminated with solvent is located below the water table; the contaminants bind with the water; the contamination is too deep to be dug out; dry cleaning chemicals are likely the source of the contamination; the property did not have a sewer when he purchased it in 2002; the Department of Ecology forced him to begin the cleanup in 2006; Pacific Crest Environmental has been working on this issue under the Department of Ecology's supervision; he has spent more than \$1 million on clean up, while receiving less than \$300,000 in income during this time period; there is no way to determine when a "no further action" letter could be issued; and the cost to cure is unknown.

The Assessor was represented by Teresa Hoyer, Commercial Appraiser. The Assessor recommended a reduction in the valuation of the land to \$248,400, for a total recommended value of \$377,500. The Assessor's Response states that to arrive at the recommended value, a ten percent reduction was applied to the land value, to account for the contamination issue. The Board finds that the reason for the Assessor's recommended reduction is not the result of a manifest error correction pursuant to RCW 84.48.065(1)(a). Therefore, the Board finds that the standard of review is reduced to the preponderance of the evidence. The Assessor provided a market-adjusted cost approach, a market approach, and an income approach in support of the recommended value. The Assessor's Representative testified that: the bulk of the expenses involved in the cleanup were the placement of the wells and the machinery, which are not costs that would impact a potential buyer of the property; the Department of Ecology provided a partial sufficiency letter in 2009, which recognized the soil clean up; the Department of Ecology believes that the cleanup of the groundwater can also be achieved; the Petitioner has continued to receive a steady income stream from the property, despite the contamination; the Petitioner has a land lease with the coffee stand; and the Petitioner did not provide information regarding the costs of quarterly monitoring costs or other ongoing costs, despite requests from the Assessor's Office.

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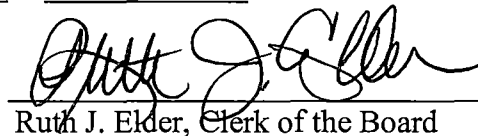
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Thurston County Board of Equalization
Petition Number 17-0209
New Market I Partnership
Page Two of Two

The Board finds that the Petitioner did not provide any documentation regarding the cost to cure on ongoing expenses for the remediation work. The Board finds that the Petitioner did not provide income and expense information to the Board for review. The Board finds that the Petitioner did not provide any market evidence in support of his requested value. The Board concludes that the Petitioner did not provide clear, cogent, and convincing evidence sufficient to overcome the Assessor's presumption of correctness and to warrant a reduction in the valuation.

Dated this 11th day of June, 2018


John L. Morrison, 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.

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