

Order of the Thurston County Board of Equalization

Property Owner: ROBERT HIGHLEY

Parcel Number(s): 55200100000

Assessment Year: 2018

Petition Number: 18-0489

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 | \$ <u>898,000</u> |
| <input checked="" type="checkbox"/> Improvements | \$ <u>0</u> |
| <input type="checkbox"/> Minerals | \$ _____ |
| <input type="checkbox"/> Personal Property | \$ _____ |
| TOTAL: | \$ <u>898,000</u> |

BOE True and Fair Value Determination

| | |
|--|--------------------------|
| <input checked="" type="checkbox"/> Land | \$ <u>495,000</u> |
| <input checked="" type="checkbox"/> Improvements | \$ <u>0</u> |
| <input type="checkbox"/> Minerals | \$ _____ |
| <input type="checkbox"/> Personal Property | \$ _____ |
| TOTAL: | \$ <u>495,000</u> |

This decision is based on our finding that: The Board overrules the Assessor's determination of value based on the testimony and evidence presented. The Board heard this Petition along with Petition Number 18-0490 for Parcel Number 55201200000. The Board relies, in a measure, on its previous review of the subject properties.

Mike Lawrence participated in the hearing on behalf of Petitioner Robert Highley. The Petitioner purchased the subject property for \$300,000 on February 13, 2017. The subject property was bank-owned at the time of sale and transferred via a bargain and sale deed. The Petitioner's Representative testified that: the property was listed for sale for years; there was no duress; and the property sold at market value. Mr. Lawrence testified that: he has been a Realtor since 1980; he has extensive construction experience in the immediate area of the subject property; and working with bedrock is extremely difficult and expensive. Mr. Lawrence further testified that: the Assessor's comparable sales do not have similar topography, zoning, size, or utilities as the subject property; the Assessor's comparable sale 2 is located west of the subject property, was rezoned to high-density multi-family and is flat; the Assessor's comparable sale 5 had plans and permits at the counter when the property sold and there is a cross-interest of ownership; and the Assessor's comparable sale 7 should be excluded as it involved related parties.

The Assessor was represented by Teresa Hoyer, Commercial Appraiser, who provided a written Response including a market-adjusted cost approach and a sales comparison approach in support of the recommended value. The Assessor recommended a reduction in the assessed value to \$690,000. The Board finds that the recommended reduction is based on changes made to the zoning and land characteristics. The Board finds that the application of the various adjustments resulting in the recommended value involve appraisal judgement rather than manifest error corrections pursuant to Revised Code of Washington 84.48.065(1)(a). Therefore, the standard of review is reduced from clear, cogent, and convincing evidence to the preponderance of the evidence.

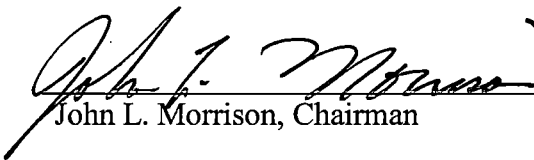
Ms. Hoyer testified that: the best way to value bare land for apartments is to compare density; various zoning allows for apartments; the Assessor has acknowledged that the subject property is difficult to build on; and the Petitioner's requested value is less than half of most of the comparable sales. Ms. Hoyer further testified that: Petition 18-0489 is for the northern parcel and Petition 18-0490 is for the southern parcel; there is no proof that the subject property is unbuildable; no soil or engineering analysis has been provided by the Petitioner; the bedrock is at different levels and not throughout the site; there is no proof that the entire parcel will need to be blasted; the Assessor's recommended value has accounted for the rock issues and the steep

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Robert Highley
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slopes; and the Assessor's office has no information regarding inter-related parties in any of their comparable sales.

The Board finds that additional consideration is warranted for the steep topography and the associated development restrictions affecting the subject property. The Board concludes that the Petitioner's Representative provided the preponderance of the evidence sufficient to warrant a further reduction in the valuation.

Dated this 2nd day of May, 2019


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.

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 MAY 30 2019

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

Property Owner: ROBERT HIGHLEY

Parcel Number(s): 55201200000

Assessment Year: 2018

Petition Number: 18-0490

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 | \$ 1,077,800 |
| <input checked="" type="checkbox"/> Improvements | \$ 0 |
| <input type="checkbox"/> Minerals | \$ |
| <input type="checkbox"/> Personal Property | \$ |
| TOTAL: | \$ 1,077,800 |

BOE True and Fair Value Determination

| | |
|--|-------------------|
| <input checked="" type="checkbox"/> Land | \$ 440,000 |
| <input checked="" type="checkbox"/> Improvements | \$ 0 |
| <input type="checkbox"/> Minerals | \$ |
| <input type="checkbox"/> Personal Property | \$ |
| TOTAL: | \$ 440,000 |

This decision is based on our finding that: The Board overrules the Assessor's determination of value based on the testimony and evidence presented. The Board heard this Petition along with Petition Number 18-0489 for Parcel Number 55200100000. The Board relies, in a measure, on its previous reviews of the subject properties.

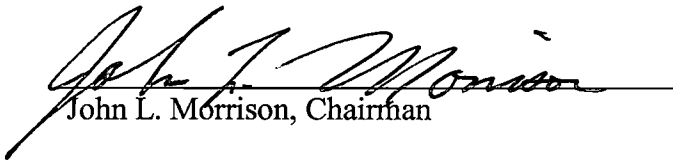
Mike Lawrence participated in the hearing on behalf of Petitioner Robert Highley. The Petitioner purchased the subject property for \$275,000 on February 24, 2015. The subject property was bank-owned at the time of sale and transferred via a special warranty deed. The Petitioner's Representative testified that: the property was listed for sale for years; there was no duress; and the property sold at market value. Mr. Lawrence testified that: he has been a Realtor since 1980; he has extensive construction experience in the immediate area of the subject property; and working with bedrock is extremely difficult and expensive. Mr. Lawrence further testified that: the Assessor's comparable sales do not have similar topography, zoning, size, or utilities as the subject property; the Assessor's comparable sale 2 is located west of the subject property, was rezoned to high-density multi-family and is flat; the Assessor's comparable sale 5 had plans and permits at the counter when the property sold and there is a cross-interest of ownership; and the Assessor's comparable sale 7 should be excluded as it involved related parties. Mr. Lawrence contended that the existing stormwater conveyance system is as much a burden as a benefit to the subject property since any improvements to the subject property must be built around the stormwater facility. Mr. Lawrence further testified about: the Assessor's comparable sales and explained how they differ from the subject property; the cut and fill on the subject property; and how half of the units will back against extreme topography requiring retaining walls.

The Assessor was represented by Teresa Hoyer, Commercial Appraiser, who provided a written Response including a market-adjusted cost approach and a sales comparison approach in support of the recommended value. The Assessor recommended a reduction in the assessed value to \$670,000. The Board finds that the recommended reduction is based on changes made to the land characteristics. The Board finds that the application of the various adjustments resulting in the recommended value involve appraisal judgement rather than manifest error corrections pursuant to Revised Code of Washington 84.48.065(1)(a). Therefore, the standard of review is reduced from clear, cogent, and convincing evidence to the preponderance of the evidence. Ms. Hoyer testified that: the best way to value bare land for apartments is to compare density; various zoning allows for apartments; the Assessor has acknowledged that the subject property is difficult to build on; and the Petitioner's requested value is less than half of most of the comparable sales. Ms. Hoyer further testified that: Petition 18-0489 is for the northern parcel and Petition 18-0490 is for the southern parcel; there is no proof that the subject property is unbuildable; no soil or engineering analysis has been provided by the Petitioner; the bedrock is at different levels and not throughout the site; there is no proof that

the entire parcel will need to be blasted; the Assessor's recommended value has accounted for the rock issues and the steep slopes; the Assessor's office has no information regarding inter-related parties in any of their comparable sales; and the subject property already has a stormwater facility in place and utilities at the street.

The Board finds that additional consideration is warranted for the steep topography and the associated development restrictions affecting the subject property. The Board concludes that the Petitioner's Representative provided the preponderance of the evidence sufficient to warrant a further reduction in the valuation.

2nd day of May, 2019


John L. Morrison, Chairman


Ruth J. Elder, Clerk of the Board

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