

**KITTITAS COUNTY
BOARD OF EQUALIZATION**

411 N Ruby St, Ste 2, Ellensburg, WA 98926
(509) 962-7506

ORDER OF THE KITTITAS COUNTY BOARD OF EQUALIZATION

Property Owner(s): Weidenbach Family LLC
Mailing Address: 315 N Sprague St
Ellensburg, WA 98926
Tax Parcel No(s): 617333
Assessment Year: 2023 (Taxes Payable in 2024)
Petition Number: BE-23-0011

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

Assessor's Determination

Assessor's Land: \$90,000
Assessor's Improvement: \$570,300
TOTAL: \$660,300

Board of Equalization (BOE) Determination

BOE Land: \$90,000
BOE Improvement: \$570,300
TOTAL: \$660,300

Those in attendance at the hearing and findings:

See Recommendation and Proposed Decision of the Hearing Examiner

Hearing Held On : November 6, 2023
Decision Entered On: January 11, 2024
Hearing Examiner: Jessica Hutchinson

Date Mailed: 1/16/24


Chairperson (of Authorized Designee)


Clerk of the Board of Equalization

NOTICE OF APPEAL

This order can be appealed to the State Board of Tax Appeals by filing a Notice of Appeal with them at PO Box 40915, Olympia, WA 98504-0915, within THIRTY days of the date of mailing on this Order (RCW 84.08.130). The Notice of Appeal form is available from the Washington State Board of Tax Appeals or the Kittitas County Board of Equalization Clerk.

KITTITAS COUNTY BOARD OF EQUALIZATION- PROPOSED RECOMMENDATION

Appellants: Weidenbach Family LLC

Petition: BE-23-0011

Parcel: 617333

Address: 314 E 4th Ave

Hearing: November 6, 2023 11:05 A.M.

Present at hearing: Steve Weidenbach, Petitioner; Dana Glenn, Appraiser; Jessica Miller, BOE Clerk; Jessica Hutchinson, Hearing Examiner

Testimony given: Steve Weidenbach, Dana Glenn

Assessor's determination:

Land: \$90,000

Improvements: \$570,300

Total: \$660,300

Taxpayer's estimate:

Land: \$90,000

Improvements: \$425,000

Total: \$515,000

SUMMATION OF EVIDENCE PRESENTED AND FINDING OF FACT:

The subject property consists of three commercial units with 6 total rentable spaces of mixed commercial and residential rental located in downtown Ellensburg.

Mr. Weidenbach stated that the property was purchased in February 2022 for \$500,000. It was not listed publicly, but offered quietly to many buyers and had multiple offers. Since the purchase, he has made about \$50,000 worth of improvements to the property including a new roof. Currently there is one full time residential tenant, a barbershop, and a nail salon. There is a vacant commercial space, formerly a law office, and two residential units (one studio, one two bedroom) currently being offered as short term vacation rentals on Airbnb with little activity. He stated that the value has gone up too high in one year from his purchase price.

Mr. Glen provided a list of commercial property sales in the City of Ellensburg. He stated that the Assessor's Office does not 'sales chase' and try not to take the sale of a property at face value. The sale of the subject property in 2022 was not typical according to other sales in the area. He noted that there is a strong demand for one bedroom apartments in downtown Ellensburg. Mr. Weidenbach stated that brand new one bedroom units, like Patricia Place, aren't having trouble but older buildings such as the subject property are. Mr. Glen pointed out a few sales on Pine Street that are similar to the subject property (hybrid multifamily and commercial use) performed well in the market study.

CONCLUSIONS OF LAW:

“Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct, but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.” RCW 81.40.0301

In other words, the assessor’s determination of property value shall be presumed correct. The petitioner can overcome this presumption that the assessor’s value is correct only by presenting clear, cogent and convincing evidence otherwise.

“All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed...”
RCW 84.40.020

“The true and fair value of real property for taxation purposes...must be based upon the following criteria:

- (a) Any sales of the property being appraised or similar properties with respect to sales made within the past five years...
- (b) In addition to sales as defined in subsection (3)(a) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance...”

RCW 84.40.030(3)

“(1) In making its decision with respect to the value of property, the board shall use the criteria set forth in RCW 84.40.030.

(2) Parties may submit and boards may consider any sales of the subject property or similar properties which occurred prior to the hearing date so long as the requirements of RCW 84.40.030, 84.48.150, and WAC 458-14-066 are complied with. Only sales made within five years of the date of the petition shall be considered.

(3) Any sale of property prior to or after January 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

RECOMMENDATION:

The Hearing Examiner has determined that the appellant has not met the burden of proof to overturn the Assessed Value of the property with clear, cogent, and convincing evidence.

Although the sale of a subject property can be the best indication of value in some cases, the sale of this property, when trended for market time and considering it was not offered on the open market, does

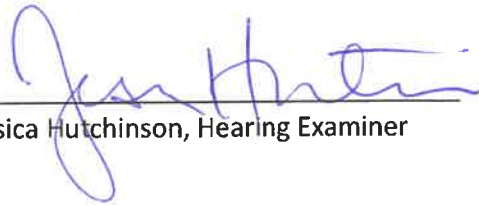
not seem to be a perfect indicator of value. The sales list compiled by the Assessor's Office shows a strong commercial market in Ellensburg.

Every finding of fact is a conclusion of law shall be deemed as such. Every conclusion of law that contains a finding of fact shall be deemed as a finding of fact.

PROPOSED DECISION:

The Examiner proposes that the Kittitas County Board of Equalization sustain the Assessed Value.

DATED 1/11/24



Jessica Hutchinson, Hearing Examiner