

**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): Richard Thorvilson & Phillip Mroz

Mailing Address: 512A 11th Ave E
Seattle, WA 98102

Tax Parcel No(s): 637036

Assessment Year: 2023 (Taxes Payable in 2024)

Petition Number: BE-23-0285

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: \$0
Assessor's Improvement: \$206,810
TOTAL: \$206,810

Board of Equalization (BOE) Determination

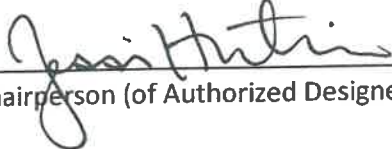
BOE Land: \$0
BOE Improvement: \$206,810
TOTAL: \$206,810

Those in attendance at the hearing and findings:

Phillip Mroz, Petitioner and Dana Glenn, Appraiser of the Assessor's Office, were present at the hearing. The decision of the Board is based on the attached Proposed Recommendation by Ann Shaw Hearing Examiner.

Hearing Held On : October 24, 2023
Decision Entered On: November 9, 2023
Hearing Examiner: Ann Shaw

Date Mailed: 12/8/23


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: Richard B Thorvilson and Phillip A Mroz

Petition: BE 23-0285

Parcel: 637036

Address: 108 Yellowstone Road Snoqualmie Pass

Hearing: October 24, 2023, 10:42 AM

Present at hearing: Phillip A Mroz (Petitioner), Dana Glenn (Assessor's Representative)

Testimony given: Phillip A Mroz (Petitioner), Dana Glenn (Assessor's Representative)

Assessor's determination:

Land:	\$0
Improvements:	\$206,810
Total:	\$206, 810

Taxpayer's estimate:

Land:	\$0
Improvements:	\$125,391
Total:	\$125,391

Summation of evidence presented and finding of fact:

This is a 672 SF Cabin located on Snoqualmie Pass near the ski area and freeway. The cabin is located on Forest service property and there is a lease for the property. The lease rate is approximately \$1,600/year. The cabin is connected to Snoqualmie Pass water and sewer.

The petitioner was concerned about the percentage increase in value. He stated that the assessed value of the building had increased 175% over the last 2 years. He also explained that the lease indicates that the building can only be occupied 50% of the time and he can not lease it out. In reviewing the comparable sales, the petitioner stated that the sale of 105 Yellowstone is a "unicorn" and a sale at that high of a price would not be seen again any time soon. The petitioner supplied two other comparable properties. One was 28 Denny Creek which is a small dry cabin and 81 FS Road which is described as a revitalization project suggesting that it is in rough shape.

The petitioner replied explaining that the 105 Yellowstone Road listing was listed for \$150,000 and the sales price was over the asking price at \$174,612. There was no other information about this sale by either party to indicate it not being an arms reach transaction.

The other two properties provided by the assessors' representative were not on leased land. The price per square foot of the 105 Yellowstone Rd property was \$331/SF. The subject property is being valued by the assessor at \$308/SF.

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.


Additional information explaining the reason for the, as considered by the petitioner, high sales price of the 105 Yellowstone Rd property would be needed to justify consideration for a value reduction on 108 Yellowstone Rd. Without proof that this was not an arm's reach transaction, it appears that it was open to buyers on the multiple listing service and fetched a higher sales price than list price.

Every finding of fact this 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 uphold the assessor's valuation.

DATED 11/16/23


Ann Shaw, Hearing Examiner