BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF J. CHARLES BLANTON from the decisions of the Board of Equalization of Canyon County for tax year 2007.	))))	APPEAL NOS. 07-A-2290 thru 07-A-2293 FINAL DECISION AND ORDER

VACANT LAND PROPERTY APPEALS

THESE MATTERS came on for consolidated hearing October 22, 2007 in Caldwell, Idaho before Hearing Officer Steven Wallace. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant J. Charles Blanton appeared for himself. County Appraisers Don Lowery and Barbara Wade appeared for Respondent Canyon County. These appeals are taken from a decision of the Canyon County Board of Equalization (BOE) denying the protests of valuation for taxing purposes of property described as Parcel Nos. M77050020060, M77050020040, M77050020020 and M77050020080.

The issue on appeal is the market value of four (4) noncontiguous, narrow and unimproved lots.

The decision of the Canyon County Board of Equalization is affirmed

FINDINGS OF FACT

The County assessed the subject parcels as indicated below. Appellant contends each lot must be appraised as a separate unit, and as such, none are worth more than $100.

Parcel No. (Alt Pin.)	Assessed Value
M77050020060	$5,750
M77050020040	$5,750
M77050020020	$5,750
M77050020080	$5,750

The subject properties are Lots 2, 4, 6 and 8 within a Middleton, Idaho subdivision. The even-numbered subject lots are separated by odd-numbered lots owned by Appellant's daughter

(Kosko) since August 2003. Three (3) lots are 14 feet wide. One (1) end lot is 18 feet wide. All four lots are 115 feet deep.

Apparently, the subject lots were originally platted toward developing townhouses with common walls. However given the record ownership now associated with each lot's narrowness, both parties opine the subject lots could not be developed with a meaningful structure, such as a single-family residence or other building. Lot line set-backs are a key limiting factor. The parties thought the lots could be used for a garden plot, or possibly for vehicle or boat parking.

Appellant described difficulty in a recent effort to list the subject lots for sale. None of ten (10) contacted Realtors pursued taking an offered listing. It was contended by taxpayer that without the potential to put the subject lots to a meaningful use, the value was zero or nominal at best. Information on an offer to purchase Lot 2 for $1,000 was offered into evidence. The potential purchaser had not seen the property. A letter concerning the offer was dated May 24, 2007.

In supporting the subject assessments, the County presented what it believed were the best comparable sales. The sales reflected buildable properties, although many were thin lots.

The county looked at the question of value somewhat broadly in the absence of good comps. The best comparable sales available were said to be the relatively thin and nearby lots sold and later developed as single-family residences. These lots had a width of about 24 feet and sold for $34,800 each.

Appellant contended the Assessor had valued subject lots as buildable or as townhouse lots. Respondent countered if the lots would have been considered buildable, the values would have been at least $34,000, and not heavily discounted towards $5,000 each. The Assessor thought it likely the lots could be packaged with the Kosko lots for sale or development, but

insisted they had not been assessed at a value reflecting such a functional unit. On the other hand the Assessor acknowledged there were no absolutes on the lots' values and that the assessment treatment was arbitrary – in that it wasn't supported by highly similar comparable sales.

Neither party presented any information or appraisal analysis relating to sales of unbuildable property.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

The parties agree the subject lots should be assessed at their current market value. See Idaho Code § 63-201(10). They further agree that the lots are not buildable (developable) when considered as separate units. There also appears to be agreement that the lots, being noncontiguous ownerships, should be assessed (appraised) separate from one another. Under the circumstances and based on the record before us, the Board finds the proper appraisal unit would be each lot standing alone. One might sell the lots in bulk without discount and perhaps even for a higher price than each lot on a standalone basis. But the record does not indicate to us, that this is more likely than not.

From the testimony of both sides, and with benefit of their related arguments, it appears most probable that the current utility of the lots would be as garden plots, or perhaps as residential-related storage or buffer ground. Appellant's case that such land would be worth nothing or a nominal $100 per lot was not persuasive. There were no sales or credible appraisal

analysis to support these values. The 2007 offer to purchase one lot at $1,000 was likewise not found to be persuasive evidence of value. Nor was this offer considered to be timely evidence for the germane assessment date. Idaho Code § 63-205(1).

The assessed value of the subject lots was heavily discounted from the lowest indicated price of a buildable residential site. The County brought no sales of unbuildable property or garden plot ground. However, the County valuation of subject's was supported by an appraiser's opinion and some analysis of close-by, recent sales. Preferably more similar sales, or at least some non-buildable sales, would have been available for consideration.

In conclusion, the Board finds the county valuation of subject lots more credible than taxpayer's. Therefore the decision of the Canyon County Board of Equalization will be affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Canyon County Board of Equalization concerning the subject parcels be, and the same hereby is, affirmed.

MAILED MARCH 20, 2008