

BEFORE THE IDAHO BOARD OF TAX APPEALS

MORRIS LEHMAN,)	
)	
Appellant,)	APPEAL NO. 20-A-1079
)	
v.)	FINAL DECISION
)	AND ORDER
POWER COUNTY,)	
)	
Respondent.)	
)	
)	
)	

RESIDENTIAL PROPERTY APPEAL

This appeal is taken from a decision of the Power County Board of Equalization denying an appeal of the valuation for taxing purposes on property described by Parcel No. RPD0369-07. The appeal concerns the 2020 tax year.

This matter came on for telephonic hearing October 29, 2020, before Hearing Officer Travis VanLith. Appellant Morris Lehman was self-represented. Prosecutor Anson Call represented Respondent.

Board Members David Kinghorn, Leland Heinrich, and Kenneth Nuhn join in issuing this decision.

The issue on appeal concerns the market value of an unimproved residential property.

The decision of the Power County Board of Equalization is affirmed.

FINDINGS OF FACT

This appeal was heard in a consolidated hearing involving three (3) other parcels also owned by Appellant (Appeal Nos. 20-A-1077, 20-A-1078, and 20-A-1080). For purposes of clarity and to adequately address the various issues raised, a separate decision will be issued for each appeal number.

The assessed land value is \$6,000. Appellant contends the correct land value is \$3,000.

The subject property is a 3-acre rural residential parcel located outside Pocatello, Idaho.

The unimproved subject parcel is situated near other properties owned by Appellant.

Appellant argued the subject lot should be valued at \$3,000 pursuant to Idaho State Tax Commission guidelines concerning “this type of land and number of acres.” No additional arguments were advanced regarding this subject parcel.

Respondent explained the general methodology used to assess residential property in the county. Respondent employs the sales comparison approach to determine land values. Vacant land sales are used to develop valuation tables for different land types in the county. The subject lot was valued using the lowest available land schedule due to some access issues impacting the parcel. Specifics concerning the access issues were not shared.

Respondent additionally provided information concerning two (2) vacant land sales from the immediate neighborhood. The first sale lot was a 1.6 acre parcel located adjacent to another property owned by Appellant. The sale lot was described as somewhat land-locked. Respondent explained the parcel was under contract at the time of hearing for \$10,000. The other lot sale concerned a 3.66 acre parcel which sold in October 2019 for \$175,000. It was noted this property did not have any residential improvements, but did include a couple storage buildings. Respondent characterized this property as superior to subject due to the relatively level topography and a small creek running through the parcel. Respondent remarked this sale indicated the upper range of value in the area.

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 in fee simple interest, or, as applicable, exempt status. This Board, giving full opportunity for all arguments and having considered all the

testimony and documentary evidence, hereby enters the following.

Idaho Code § 63-205 requires taxable property be assessed at market value annually on January 1; January 1, 2020, in this case. Market value is always estimated as of a precise point in time. Market value is defined in Idaho Code § 63-201, as,

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Market value is estimated according to recognized appraisal methods and techniques. The three (3) primary methods used to estimate market value include the sales comparison approach, the cost approach, and the income approach. *Merris v. Ada Cnty.*, 100 Idaho 59, 63, 593 P.2d 394, 398 (1979). The sales comparison approach is commonly used to value vacant residential parcels.

Appellant argued the subject property was not assessed in accordance with Idaho State Tax Commission (STC) guidelines for subject’s size and property type. Though the Board appreciates Appellant’s concerns, it was not clear how subject’s valuation was inconsistent with STC guidelines. Appellant did not identify any specific deviations from the referenced guidelines nor otherwise demonstrate error in the assessed value. Respondent utilized the lowest land schedule to value subject in an effort to recognize certain deficiencies with the parcel. The Board was strained to find what additional consideration should have been given or how Appellant arrived at the petitioned value of \$3,000 for the parcel.

Idaho Code § 63-511 places the burden on the Appellant to demonstrate error in subject’s valuation by a preponderance of the evidence. Given the record in this matter, the

Board did not find the burden of proof satisfied. Respondent explained its assessment methodology and also provided some recent sales information. Appellant did not provide any competing market data nor analysis to demonstrate error in subject's valuation. As such, the Board will uphold subject's current valuation.

The decision of the Power County Board of Equalization is affirmed.

FINAL ORDER

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

DATED this 22nd day of February, 2021.

IDAHO BOARD OF TAX APPEALS