

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF CANYON) APPEAL NO. 13-A-1063
COUNTY ASSESSOR (SAXTON) from a decision)
of the Canyon County Board of Equalization for tax) FINAL DECISION
year 2013.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 18, 2013, in Caldwell, Idaho before Board Member Lee Heinrich. Board Members David Kinghorn, Linda Pike and Leland Heinrich participated in this decision. Chief Deputy Assessor Joseph Cox and Chief Appraiser Brian Stender appeared at hearing for Appellant Canyon County Assessor. Respondents Lon and LaRae Saxton appeared at hearing. This appeal is taken from a decision of the Canyon County Board of Equalization (BOE) modifying the protest of valuation for taxing purposes of property described by Parcel No. 304211090.

The issue on appeal is the market value of an improved residential property.

The decision of the Canyon County Board of Equalization is reversed.

FINDINGS OF FACT

The original assessed land value was \$89,200, and the improvements' valuation is \$205,500, totaling \$294,700. Following a timely appeal, the BOE reduced subject's land value to \$81,180, and reduced the value of the improvements to \$187,000, totaling \$268,180. Appellant-Assessor requests the land value be increased to \$89,200, and the improvements' value be increased to \$205,500, totaling \$294,700.

The subject property consists of 4.92 acres improved with a 2,696 square foot residence built in 2003. The property also includes other small improvements totaling \$6,300 in assessed value. Subject is located in the St. James Place subdivision located near Nampa, Idaho.

Appellant contended the BOE's decision to reduce subject's total assessed value by

roughly 9% was arbitrary and unsupported by current market data. Appellant further commented that because only those in subject's development who appealed were granted a value reduction, the BOE's decision has created inequity within the subdivision. According to Appellant, the BOE's decision was partly based on the Idaho Transportation Department's (ITD) plan to construct a multi-lane highway adjacent to subject's subdivision. Appellant acknowledged values may be impacted once the highway project is completed, however, as of January 1, 2013, the project had not been started. Appellant further noted that according to ITD, there is no dedicated funding for the project for at least the next five (5) years. In Appellant's view, the BOE erred in reducing values based on the possibility that values may be impacted at some point in the future due to the pending highway project.

Respondent-Taxpayers argued the BOE's decision was proper because the highway project will negatively impact values. Respondents noted the proposed highway project would have to be disclosed to any potential future buyers, which Respondents argued would result in a reduced sale price. In short, Respondents did not view completion of the highway as necessary in order to make an adjustment because values in the area had already been tainted.

In support of its value position, Appellant offered information on 10 improved sales from rural subdivisions similar to subject's. Sale Nos. 1, 2 and 3 were located in subject's development. These latter properties approximated subject in terms of lot size, age, and square footage. Appellant noted Sale No. 1 was not finished when it sold in July 2012 for \$399,000, and that Sale No. 3 was a foreclosure related transaction for \$414,000. Sale prices for this group ranged from \$325,000 to \$414,000. After making value adjustments for physical differences between subject and the sale properties, Appellant determined adjusted prices

between \$331,300 and \$368,300, or from \$93 to \$131 per square foot.

The next group, Sale Nos. 4, 5, 6, 7 and 8, were located in subdivisions situated roughly one (1) mile from subject's development. The lots were roughly one (1) acre in size. The residences were generally similar to subject in terms of age and size, though some came with a swimming pool or spa improvements. After adjusting for differences compared to subject, Appellant calculated adjusted prices between \$301,255 and \$410,500, or between \$104 and \$135 per square foot.

The final sales, Nos. 9 and 10, were located in a subdivision approximately five (5) miles away. Both sale lots were a little larger than one (1) acre. Sale prices were \$342,000 and \$315,000, respectively. Adjusted prices were \$374,200 and \$357,600, or \$132 and \$124 per square foot.

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, or as applicable exempt status. 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.

Idaho Code § 63-205 requires all taxable property be assessed annually at market value on January 1 of the relevant tax year. The definition of market value is provided in Idaho Code § 63-201:

“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.

Appellant provided 10 comparable sales for comparison with subject. The sales occurred during 2012 and mostly concerned properties within roughly one (1) mile of subject; including three (3) from subject's own subdivision. Adjustments were made for physical differences between subject and the sale properties. Adjusted prices were between \$301,255 and \$410,500, or from \$93 to \$135 per square foot. The BOE decision lowered subject's assessment notice value of approximately \$109 to \$99 per square foot.

Respondents did not offer sales information, however, maintained the BOE's decision was proper. According to Respondents, the pending highway project has already negatively impacted values. Appellant countered there is no funding for the portion of the project near subject for at least the next five (5) years. As such, Appellant contended there was no basis for lowering values before the highway installation is complete. Under the circumstances, the Board concurs.

While it is quite possible subject's value will be materially impacted by the nearby highway once it is constructed, or when construction is more imminent, Respondents provided nothing evidencing an affect on current values. A special adjustment now for the rather distant future highway project would be premature and subjective. The time for adjustment is when prices in subject's area have actually been impacted. From the evidence in record, it does not appear that time has yet arrived.

In appeals to this Board the burden is on Appellant to prove error in subject's assessed value by a preponderance of the evidence. See Idaho Code § 63-511. In this particular instance, the Board finds that burden was satisfied. Appellant provided 10 sales and made adjustments for differences compared to subject. The sale properties fairly represented subject

in terms of age, size, and quality of construction. Other differences were accounted for in Appellant's sales grid analysis. There was no discernable price difference between those sales located near the proposed highway and those located further away. In other words, the market data did not suggest the proposed future highway improvements have impacted values in subject's area. Overall, the sales information was found to support the higher value requested by Appellant.

Accordingly, the decision of the Canyon County Board of Equalization will be reversed, thereby increasing subject's land value to \$89,200 and the improvements' valuation to \$205,500, totaling \$294,700.

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 parcel be, and the same hereby is, REVERSED to reflect a increase in subject's total assessed value to \$294,700.

DATED this 22nd day of January, 2014.