

BEFORE THE IDAHO BOARD OF TAX APPEALS

VALLEY COUNTY ASSESSOR,)	
)	
Appellant,)	APPEAL NO. 15-A-1010
)	
v.)	FINAL DECISION
)	AND ORDER
HURSH FAMILY TRUST,)	
)	
Respondent.)	
_____)	

RESIDENTIAL PROPERTY APPEAL

This appeal is taken from a decision of the Valley County Board of Equalization modifying the protest of valuation for taxing purposes of property described by Parcel No. RPM0081000005B. The appeal concerns the 2015 tax year.

This matter came on for hearing October 14, 2015 in Cascade, Idaho before Hearing Officer Cindy Pollock. June Fullmer appeared at hearing for Appellant. Respondent did not appear at hearing.

Board Members David Kinghorn, Linda Pike and Leland Heinrich participated in this decision.

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

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

FINDINGS OF FACT

Subject, a vacant buildable lot, was originally assessed for \$51,288. After Respondent appealed to the Valley County Board of Equalization the assessment was reduced to \$40,000. On appeal to this Board, Appellant contends the correct value is \$51,288. Respondent took no value position before this Board.

Subject is an 18,295 square foot, or .42 acre, residential building lot located in McCall,

Idaho. Subject is shaped like a flag lot¹ with access to a paved street. There are no onsite improvements such as a driveway, or water or sewer hookups. The lot was graded “average” by Appellant, the same as was done for the neighboring lots.

Appellant presented information on five (5) comparable land sales. Each lot was located in McCall. One (1) sale occurred in late 2013, while the balance occurred in 2014 between June and late October. Lot sizes ranged from .24 to .54 acres. The comparable sales were analyzed in a sales grid. After appraisal adjustments, the indications for subject’s value ranged from \$49,991 to \$57,430. Adjustments were made for lot size and grade. Four (4) of the comparable sales were graded “average” like subject, while one (1) comparison lot was graded “good.” The average of the adjusted sale prices was \$53,105. Weighting the comparable sales, Appellant concluded a final sales comparison approach value of \$51,000.

Appellant also presented a copy of an email with information about the planning and zoning requirements associated with developing the subject lot. There were no special or extraordinary limitations noted.

Respondent was not present for hearing. Notice of hearing was mailed on September 23, 2015. Respondent did not otherwise present evidence or argument in the case.

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 to the record, hereby enters the following.

¹ Like it sounds, a flag lot is shaped at least somewhat like a flag, where the driveway often runs down the flag pole portion of the lot to the street.

Idaho Code § 63-205 requires taxable property be assessed at market value annually on January 1; January 1, 2015 in this case. 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. Residential building lots like subject are commonly valued with reference to the recent, proximate sales of comparable lots; the sales comparison approach to value.

The value decision of the Valley County Board of Equalization (BOE) enjoys a presumption of correctness. That presumption was overcome when Appellant presented an appraisal of subject’s current market value. Only Appellant appeared at hearing and submitted value evidence. The offered appraisal considered five (5) residential lot sales and determined a final value for subject of \$51,000. There did not appear to be a special consideration associated with subject’s flag lot shape. The Board noted a considerable amount of subject’s land area was associated with the “flag pole” portion. Appellant’s not discussing this somewhat unique feature did not in itself make the appraisal analysis erroneous or arbitrary. Likely other property information factoring into the “average” lot rating was also absent from the record.

Pursuant to Idaho Code § 63-511, in appeals to this Board the burden is with Appellant to establish the valuation by the BOE is erroneous by a preponderance of the evidence. Appellant presented a supported opinion of value based on recent sales of similar property. Where Respondent offered no value evidence, Appellant met the requisite burden of proof. For this reason the decision of the Valley County Board of Equalization is reversed, raising subject’s

2015 assessment back to \$51,228.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, REVERSED setting subject's 2015 assessed value at \$51,228.

Idaho Code § 63-3813 provides that under certain circumstances the above ordered value for the current tax year shall not be increased in the subsequent assessment year.

DATED this 21st day of January, 2016.