

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LYNNE M. GIEDD,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 68419</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 1, 2016, Louesa Maricle and MaryKay Kelley presiding. Mr. Steven Vick appeared on behalf of Petitioner. Respondent was represented by Rebecca Klymkowsky, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**42 Holmes Gulch Way, Bailey, Colorado
Jefferson County Schedule No. 128356**

The subject is a 1,749 square foot log two-story residence with finished basement and garage. It was built in 1987 in the Park 80 West Subdivision of Bailey, a mountain town along the Highway 285 corridor. The above-referenced schedule number includes Lot 8 (undeveloped 10-acre parcel) and Lot 9 (improved 10-acre parcel). Both have been platted. The western boundary of Lot 9 borders the Jefferson/Park County line. Park County provides fire/sheriff response, buses to Park County schools, and road maintenance. Terrain is level- to- steep with visible bedrock outcroppings. Lot 8 contains a wood lot and storage area for fire mitigation materials accessed by a jeep trail through Lot 9. The residence on Lot 9 is serviced by well and septic. Lot 8 serves as a visual and sound buffer from the adjacent residence on Lot 7.

Respondent assigned an actual value of \$563,930 for tax year 2015, which is supported by an appraised value of \$567,000. Petitioner is requesting a value of \$415,969.

Mr. Vick argued that the residence, along with Lots 8 and 9, should be valued as a single unit. They have been on the same schedule number since 1991, share common ownership, are contiguous, and are used as a single unit. Ms. Giedd has never attempted to sell or develop Lot 8 and is of the opinion that development would be prohibited by various county regulations.

Mr. Vick testified that numerous regulations prohibit development on Lot 8. Petitioner has not applied for a building permit. Petitioner's analysis of the subject's potential for development is based solely on the review of county documents without collaboration or opinion by county officials. Mr. Vick contends that bedrock outcroppings and the slope of the land prohibit installation of a driveway. Also the pervasive presence of shallow bedrock makes Lot 8 unbuildable, and blasting for a septic system is prohibited within 200 feet of an existing well, which would require installation of a septic system at a considerable distance from the road. According to Mr. Vick, blasting prohibitions impact installation of both well and septic.

Mr. Vick presented a market approach for the 20 acre subject property with five comparable sales ranging in sale price from \$377,500 to \$445,000. Lot sizes ranged from 10 to 25.54 acres. After adjustments, the sale prices ranged from \$377,116 to \$453,489. Mr. Vick concluded to a value of \$415,969 based on the average of the five sales. Disregarding the lowest and the highest sales, Mr. Vick calculated the average of \$416,410. Mr. Vick noted that Sale Three, which sits on the other side of Lot 8 and enjoys the same buffer as the subject Lot 9, had an adjusted sale price of \$413,678.

Respondent's witness, Laura Burtschi, Ad Valorem Appraiser for the Jefferson County Assessor's Office, valued the subject as a ten-acre improved site. Lot 8 was platted and available for development or sale, and, because it shared ownership with Petitioner and was contiguous to Lot 9, she valued it as excess ground.

Ms. Burtschi presented a Sales Comparison Analysis with four comparable sales ranging in sale price from \$390,000 to \$472,600. After adjustments, the sales ranged from \$498,430 to \$621,505.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

The Board is persuaded that the subject property should be valued as a 20 acre improved parcel. Respondent has historically acknowledged it as such. Lots 8 and 9 are assigned one schedule number, and both lots are classified as residential. Although the two have been legally platted, Section 39-5-104, C.R.S. allows "two or more adjoining tracts, parcels, or lots owned by the same person . . . to be appraised and valued either separately or collectively." The two lots share common ownership, are contiguous, and fall under the same schedule number for tax purposes. The Assessor appears to consider Lots 8 and 9 to be a single unit, and the Board agrees.

With regard to valuation, the Board has reviewed sales it considers comparable to the subject's 20 acres. Respondent's Sale Three (also Petitioner's Sale Three), without adjustments for acreage and an extra building lot, results in a rounded adjusted sale price of \$446,100. Petitioner's

Sales One (20.14 acres) and Two (25.54 acres) conclude to adjusted sale prices of \$403,321 and \$377,116, respectively. Based on an exterior photo of the subject, its log construction, and its additional living quarters above the garage, an indicated value at the upper end of the adjusted range of these three sales (\$377,116 to \$446,100) is considered reasonable and supported. Based on the above, the Board estimated the subject's 2015 value at \$440,000.

It should be noted that residential properties should be valued as a single entity per acceptable appraisal practice. Total acreage should not be dissected, and parts of the whole should not be considered "excess ground" as per Respondent's witness.

The Board gives little weight to Petitioner's methodology of averaging the adjusted sales prices to arrive at a value. An acceptable value conclusion would have reliance on one (or more) sale that was considered the most comparable for the subject.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$440,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$440,000.

The Jefferson County Assessor is directed to change their records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may

petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

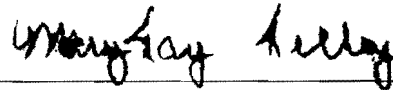
Section 39-8-108(2), C.R.S.

DATED and MAILED this 15th day of June, 2016.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



MaryKay Kelley

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Milla Lishchuk

