

**KITTITAS COUNTY  
BOARD OF EQUALIZATION**

411 N Ruby St, Ste 2, Ellensburg, WA 98926  
(509) 962-7506

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**ORDER OF THE KITTITAS COUNTY BOARD OF EQUALIZATION**

Property Owner(s): S.L Fitzsimmons & Leta Davis  
Mailing Address: PO BOX 116  
Thorp, WA 98946  
Tax Parcel No(s): 815933  
Assessment Year: 2023 (Taxes Payable in 2024)  
Petition Number: BE-23-0179

Having considered the evidence presented by the parties in this appeal, the Board hereby:  
**Sustained**  
the determination of the Assessor.

Assessor's Determination

Assessor's Land: \$145,400  
Assessor's Improvement: \$207,750  
TOTAL: \$353,150


Board of Equalization (BOE) Determination


BOE Land: \$145,400  
BOE Improvement: \$207,750  
TOTAL: \$353,150

**Those in attendance at the hearing and findings:**

See attached Recommendation and Proposed Decision of the Hearing Examiner.

Hearing Held On : November 28, 2023  
Decision Entered On: January 11, 2024  
Hearing Examiner: Ann Shaw      Date Mailed: 1/16/24

  
Chairperson (of Authorized Designee)

  
Clerk of the Board of Equalization

**NOTICE OF APPEAL**

This order can be appealed to the State Board of Tax Appeals by filing a Notice of Appeal with them at PO Box 40915, Olympia, WA 98504-0915, within THIRTY days of the date of mailing on this Order (RCW 84.08.130). The Notice of Appeal form is available from the Washington State Board of Tax Appeals or the Kittitas County Board of Equalization Clerk.

**KITTITAS COUNTY BOARD OF EQUALIZATION- PROPOSED RECOMMENDATION**

Appellants: S.L. Fitzsimmons & Leta Davis  
Petition: BE-23-0179  
Parcel: 815933  
Address: 10830 North Thorp Hwy

Hearing: November 28, 2023 11:17 A.M.

Present at hearing: Sharon Fitzsimmons, Petitioner; Dana Glenn, Appraiser; Jessica Miller, BOE Clerk;  
Ann Shaw, Hearing Examiner

Testimony given: Sharon Fitzsimmons, Dana Glenn

Assessor's determination:  
Land: \$145,400  
Improvements: \$207,750  
Total: \$353,150

Taxpayer's estimate:  
Land: \$85,000  
Improvements: \$207,750  
Total: \$292,750

**SUMMATION OF EVIDENCE PRESENTED AND FINDING OF FACT:**

The subject property is a 1,666 Square Foot home built around 1900 on 1.54 Acres. The home is located in Thorp and has the railway located right behind the property.

The petitioner brought in a recording of the train noise and a decibel reader. The petitioner stated that the noise from the train is deafening and is a detriment to the property. The train goes by about 10-20 times a day. There is also an easement that was discussed that is from 1917. This easement is for the neighboring home and makes development of the back portion of the property undevelopable in her opinion.

The assessor's representative discussed his reports and sales evidence. He acknowledged that the train is loud but is creating a similar disturbance to other properties within the town of Thorp.

**CONCLUSIONS OF LAW:**

"Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct, but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence." RCW 81.40.0301

In other words, the assessor's determination of property value shall be presumed correct. The petitioner can overcome this presumption that the assessor's value is correct only by presenting clear, cogent and convincing evidence otherwise.

"All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed..."

RCW 84.40.020

"The true and fair value of real property for taxation purposes...must be based upon the following criteria:

- (a) Any sales of the property being appraised or similar properties with respect to sales made within the past five years...
- (b) In addition to sales as defined in subsection (3)(a) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance..."

RCW 84.40.030(3)

"(1) In making its decision with respect to the value of property, the board shall use the criteria set forth in RCW 84.40.030.

(2) Parties may submit and boards may consider any sales of the subject property or similar properties which occurred prior to the hearing date so long as the requirements of RCW 84.40.030, 84.48.150, and WAC 458-14-066 are complied with. Only sales made within five years of the date of the petition shall be considered.

(3) Any sale of property prior to or after January 1<sup>st</sup> of the year of revaluation shall be adjusted to its value as of January 1 of the year of evaluation, reflecting market activity and using generally accepted appraisal methods...

(4) More weight shall be given to similar sales occurring closest to the assessment date which require the fewest adjustments for characteristics."

WAC 458-14-087

#### **RECOMMENDATION:**

The Hearing Examiner has determined that the appellant has not met the burden of proof to overturn the Assessed Value of the property with clear, cogent, and convincing evidence.

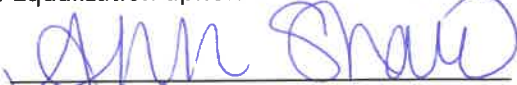
While the noise from the railway is unpleasant I do not believe that it would make this property unsellable. The train goes straight through the town of Thorp and most homes in the city are affected by the noise but yet still sell.

Every finding of fact this is a conclusion of law shall be deemed as such. Every conclusion of law that contains a finding of fact shall be deemed as a finding of fact.

**PROPOSED DECISION:**

The Examiner proposes that the Kittitas County Board of Equalization uphold the assessor's value.

DATED 1/11/24

  
Ann Shaw, Hearing Examiner