

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

MONDAY

9:00 A.M

FEBRUARY 14, 2005

PRESENT:

Steven Sparks, Chairman
Gary Schmidt, Vice Chairman
William Brush, Member
Thomas Koziol, Member
John Krolick, Member

Nancy Parent, Chief Deputy Clerk
Peter Simeoni, Deputy District Attorney
Ernie McNeill, Senior Appraiser

The Board met pursuant to a recess taken on February 11, 2005, in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. The meeting was called to order by Chairman Sparks, the Clerk called the roll, and the Board conducted the following business:

WITHDRAWN PETITIONS

The following hearings scheduled on today's agenda have been withdrawn by the Petitioner:

Hearing No. 0048A, Riggs and Company, Parcel No. 025-480-36**

Hearing No. 0048B, Riggs and Company, Parcel No. 025-480-36

**Re-Open 2004/05 Roll

9:00 A.M. - BLOCK 1

CONSOLIDATION OF HEARINGS

On motion by Member Koziol, seconded by Member Krolick, which motion duly carried, Chairman Sparks ordered that hearings for petitioners in attendance be conducted in the order they appear on the agenda, and hearings in which no petitioners were present would be heard subsequently. It was noted there would be no consolidation of hearings.

05-69E ROLL CHANGE REQUESTS - DECREASES

Following discussion, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried, it was ordered that Roll Change Requests Nos. 36 (2004 secured roll) and 37 (2005 secured roll), and Nos. 38 through 59 (2004 unsecured roll) resulting in decreases and placed on file with the Clerk, be approved for the reasons stated thereon.

05-70E BARBARA A. ALBEE – UNTIMELY PETITION
PARCEL NO. 124-400-10

A petition for Review of Assessed Valuation received from Barbara A. Albee, protesting the taxable valuation on land, improvements, and personal property located at 599 Crest Lane #10, Incline Village, Washoe County, Nevada, was set for consideration at this time. It was noted that the petition was untimely filed.

Chairman Sparks reviewed the petition and commented there were no attachments provided, and the petition was signed on January 22, 2005, which was past the filing deadline of January 18, 2005.

On motion by Member Koziol, seconded by Member Krolick, which motion duly carried, it was ordered that the petition by Barbara A. Albee be denied due to late filing based upon Nevada Revised Statute.

05-71E HEARING NO. LT-0012 – SARAH E. MILLER, TR.
PARCEL NO. 122-126-15

A petition for Review of Assessed Valuation received from Sarah E. Miller, Tr., protesting the taxable valuation on land located at 568 Ponderosa Avenue, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Sarah Miller, Petitioner, was sworn and submitted the following documents into evidence:

- Exhibit A, photographs
- Exhibit B, a letter

Petitioner Miller testified that the view for her property should be from V-0 to V-1, as established by the Assessor. She said she bought the home in 1981 and had a view of the lake from her living room and bedroom; however, the trees in front of the property have grown up and the view has been obscured. She asked that the value of her property be equalized with other properties that have no view. Petitioner Miller further testified her lot was a stream environment zone. She explained there was a stream on the east edge of the property that restricted where the home could be built. She acknowledged, if the property became a teardown, the lot would not be substantially more valuable to a contractor because of the restraints of the stream zone. She stated she was paying taxes as if she had a view, and she does not have a view of the lake.

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 8.

Exhibit II, District Attorney Opinion letter concerning new Tax Commission Regulations.

Exhibit III, Draft letter from the State of Nevada, Department of Taxation.

Appraiser Diezel reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. She further testified that a view inspection was attempted on January 20, 2005, but weather conditions prevented the completion of the inspection. Appraiser Diezel stated she informed the Petitioner she would return to the property before the State Board of Equalization hearings to attempt another view inspection.

Chairman Sparks explained to the Petitioner that the Board ordinarily would not change a view classification on the evidence of photographs. He said it was difficult for the Board to make judgments concerning view, so the Board defers to the Petitioner and the Assessor to work out the view classification.

In response to Member Schmidt, Appraiser Diezel explained the view designations from V-0 to V-6. She defined overland value, which was found on page two of Exhibit I.

Member Schmidt asked how the Appraiser would consider the re-inspection for the current view in relation to the recently passed State statutes modifying view procedures. Appraiser Diezel explained the property would be reviewed as it has been since the 2003 reappraisal. She said the Assessor's Office has a District Attorney's Opinion that states the new regulations were prospective and not retrospective, and a draft letter from the State of Nevada, Department of Taxation. Member Schmidt asked if the Assessor's Office had or sought an Attorney General's Opinion in regard to the new regulations, and Appraiser Diezel said they did not have an Opinion from the Attorney General.

Member Koziol inquired about the trees the Petitioner referred to, and Petitioner Miller confirmed the trees were across the street.

In rebuttal, Petitioner Miller said properties on her street do vary in terms of the land values; and that was why she requested her land be re-examined and compared to the properties that were valued otherwise, particularly in regard to view.

Petitioner Miller was agreeable to have the Assessor visit the property on a clear day to examine the view.

Member Schmidt stated there was an occasion when the Board, in the past, made an adjustment concerning the view; and he relied on photographs to make his decisions.

In response to Member Krolick, Appraiser Diezel clarified the base lot value for V-0 was \$190,000, and for V-1 it was \$250,000. She noted, if the view designation was changed to V-0, the power line adjustment would be removed because it would have been determined there was no lake view on the property.

The Chairman closed the hearing.

Member Schmidt made a motion to adjust the Assessor's land value from V-1 to V-0 based upon the evidence presented by the Assessor and the Petitioner. The motion died for lack of a second.

Based on the FINDINGS that taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibits I and II, and the Petitioner's Exhibits A and B, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried with Member Schmidt voting "no," it was ordered that the taxable value of the land on Parcel No. 122-126-15 be upheld. It was noted the Assessor would re-evaluate the view designation of the subject parcel and make adjustments if necessary.

05-72E HEARING NO. LT-0054 – MARY JO HART
PARCEL NO. 126-243-01

A petition for Review of Assessed Valuation received from Mary Jo Hart, protesting the taxable valuation on land located at 711 Champagne Road, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned LDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Mary Jo Hart, Petitioner, was sworn and submitted the following documents into evidence:

- Exhibit A, photographs
- Exhibit B, snow removal guidelines
- Exhibit C, correspondence from the Assessor's and Treasurer's Offices

Petitioner Hart testified that the subject parcel was identified by the Tahoe Regional Planning Agency (TRPA) to be on one of the strictest slopes. She said the lots on either side of the property had been taken over by the Federal Government because they could never be built upon because of their steepness. She stated the house was down from the road and there was no place to park, especially in the wintertime. Petitioner Hart requested the Appraiser take into consideration the slope of the property,

no onsite parking or garage, and the oversized lot that she considered a detriment. She disputed her view rating of V-3.5. She asked that the arguments that would be presented on behalf of all the Incline Village property owners on February 17, 2005 by Attorney Tom Hall be incorporated into her record.

Chairman Sparks explained each hearing was individually considered, and the Board could not incorporate by reference testimony that had not been heard.

Petitioner Hart requested her hearing remain open until after the legal arguments were heard on February 17, 2005. She said the arguments would apply to her appeal.

Member Schmidt asked the Petitioner about her view; and Petitioner Hart explained she has a deck that used to have a view about 15 years ago, but trees presently block the view. Member Schmidt inquired if she was dissatisfied with the view rating. She said she objected to the view enhancement completely because it was subjective, and it could not be applied equally to every property owner. She stated there were no view assessments anywhere else in Washoe County. In response to Member Schmidt, the Petitioner confirmed she was not represented by Mr. Hall.

Member Brush inquired if the 10 percent upward adjustment for an oversize lot had been changed, and Petitioner Hart confirmed it still existed.

Member Krolick asked about the coverage on the subject parcel, and Petitioner Hart confirmed she had 1 percent coverage.

Member Schmidt commented the arguments that were to be presented could be incorporated if the hearing was continued. He said, in the past, the Board had not incorporated; although he had personally voted for incorporation once or twice. He was unclear if the Petitioner was asking for a continuance.

Petitioner Hart stated, if asking for a continuance subsequent to Mr. Hall's presentation was a request that would be considered by the Board, she would make that request.

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 11.

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that three of his comparable properties did not have garages. He noted that the sale of the subject on May 22, 2001 for \$504,000 may not be a good arms length transaction. He clarified that testimony from the Petitioner indicated the subject parcel had remained in the family for a number of years. He said the Assessor would follow up

with Petitioner Hart and seek to gain a verification code for the Assessor's records and for future use. Appraiser Lopez explained there was a 10 percent adjustment for neighborhood/size because the parcels in the area were one acre. He stated that has been a historical adjustment; it was not a new adjustment when the appraisal occurred in 2003; and he confirmed he carried that adjustment forward. In regard to the Petitioner's concern that a garage could not be constructed on the property, Appraiser Lopez acknowledged he had no paper work from TRPA to confirm that to be true. He remarked he had contacted TRPA to see if there was anything on record stating the Petitioner did not have the coverage amount to construct a garage on the subject parcel, and TRPA did not have anything official regarding the amount of coverage on this parcel. He commented he does not have any paperwork verifying that fact, so he could not make an adjustment without any official information from TRPA. Appraiser Lopez further stated there were view premiums throughout the valley in Washoe County. He affirmed any further information forwarded to the Assessor's Office would be considered concerning the subject parcel.

Chairman Sparks asked if any of the Assessor's land sales had similar type slopes. Appraiser Lopez reviewed LS-1 and LS-4 as parcels with slopes, but noted they were not as drastic as the Petitioner's property. He referenced the improved sales and stated some of the parcels on the East Slope had very steep slopes. Chairman Sparks inquired if any of the improved sales had on-site parking, and Appraiser Lopez commented they had on street parking, not on-site parking.

In response to questions from Member Schmidt, Appraiser Lopez stated he would consider any information provided regarding the parcel. He confirmed his statement concerning the parcel having 1 percent coverage was based upon the testimony of the Petitioner. Appraiser Lopez acknowledged he could not verify from that information if a garage could be built because TPRA grants certain exceptions. Appraiser Lopez commented the residence was fairly close to the street, but having no garage near to the residence could make the distance seem long, especially with snow in the winter. He noted there were positives and detriments related to owning a one-acre parcel.

Member Krolick inquired if there were any considerations for the land being usable or not in regard to the 10 percent upward adjustment. Appraiser Lopez replied he was evaluating the lot on the fact that the grandfather coverage was in existence. Member Krolick commented that to use the 10 percent adjustment was not the best way to obtain the valuation. Appraiser Lopez said the Assessor was still in the process of calculating coverages throughout Incline Village.

In rebuttal, Petitioner Hart stated the shape of the lot does not lend to privacy. She said the 10 percent increase in valuation due to lot size was mistaken because it serves as a detriment. Petitioner Hart confirmed she was told by TRPA she had 1 percent coverage.

The Chairman closed the hearing.

Chairman Sparks remarked he did not see how the Board could take into consideration testimony that had not been heard, and he stated he would not consider continuing the hearing or leaving it open.

Member Schmidt acknowledged he would support a reduction in relation to slope and/or lot size. He said he had confidence that Appraiser Lopez would go out to the property and make adjustments as warranted. Member Schmidt stated the Board would have time to continue the hearing, and he would support a limited continuance based upon the issue concerning the view category. He noted the Petitioner should be given consideration for filing the petition and for her attendance at the hearing. Member Schmidt expressed he would like to grant the Petitioner as much courtesy and opportunity as possible.

Chairman Sparks clarified a continuance would not be necessary concerning the view category, as the Assessor has repeatedly gone out to examine view and/or other physical aspects; and they could make recommendations for adjustments.

Member Krolick agreed with Chairman Sparks, and stated Member Schmidt was requesting a continuance based upon an outcome the Board still does not know. He affirmed a continuance would not be justifiable at this point.

Member Schmidt clarified the Petitioner was asking for the continuance. He said the issue at hand was which statutes would the Assessor use when he goes to re-inspect the parcel. The Assessor's Office has clearly indicated that the Assessor's Office does not intend to use the new statutes because they were determined to be prospective. Chairman Sparks said Member Schmidt did not ask this question in this hearing. Member Schmidt stated he did not have to ask it in this hearing, as the Board could rely upon their experience and understanding. He added a re-inspection would not bring that issue into play for the Petitioner.

Chairman Sparks stated to incorporate Mr. Hall's arguments in the future would have no bearing, and he would not consider that today. He noted each petition must stand on its own, and the Board must weigh the evidence presented at each hearing. He explained keeping the hearing open to incorporate other evidence would not be fair to other petitioners, and his conclusions had nothing to do with the timeframe of the Board.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Chairman Sparks, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 126-243-01 be upheld. It was noted the Assessor would review the slope, the lot size, and consider the impact of no garage on the subject parcel.

10:20 a.m. The Board recessed.

10:28 a.m. The Board reconvened with all members present.

05-73E **HEARING NO. LT-0018A – JULIET C. ASHTON**
PARCEL NO. 123-133-23

A petition for Review of Assessed Valuation received from Juliet C. Ashton, protesting the taxable valuation on land located at 424 State Route 28, Crystal Bay, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Josh Wilson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Juliet Ashton, Petitioner, was not present, but submitted the following documents into evidence:

Exhibit A, Authorization for Representation
Exhibit B, a letter describing special circumstances concerning the parcel
Exhibit C, a map

Appraiser Wilson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 8.

Appraiser Wilson reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

Chairman Sparks confirmed the Board received Exhibit B.

In response to Member Schmidt, Appraiser Wilson said he visited the subject property in April 2004 and the adjustments for access, easement, and traffic duress were applied at that time.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 123-133-23 be upheld.

05-74E

HEARING NO. LT-0018B - JULIET C. ASHTON
PARCEL NO. 123-133-23 – REOPEN 2004/05 ROLL

A petition for Review of Assessed Valuation received from Juliet C. Ashton, protesting the taxable valuation on land located at 424 State Route 28, Crystal Bay, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Josh Wilson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Juliet Ashton, Petitioner, was not present. The Board requested the following document from Hearing No. LT-0018A be incorporated into the hearing:

Exhibit B, a letter describing special circumstances concerning the parcel

Appraiser Wilson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 8.

Appraiser Wilson reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that, when he visited the property in April of 2004, it was after the timeline to appeal the 2004 value before the Board. He noted that according to statute the property owner could come before the Board this year to appeal the 2004/05 Reopen value for 2004. He said all of his previous testimony also applies to this parcel, and he recommended the Board uphold the value.

Member Schmidt requested the letter and comments from the Assessor and himself from Hearing No. LT-0018A be incorporated into this hearing.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Schmidt, seconded by Member Krolick, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 123-133-23 for the 2004/05 Roll be upheld. It was further ordered that the letter and comments from Hearing No. LT-0018A be incorporated into this record.

HEARING NOS. LT-0019A & LT-0019B – JULIET C. ASHTON
PARCEL NO. 123-133-24 (REOPEN 2004/05 ROLL)

On motion by Member Schmidt, seconded by Member Krolick, which motion duly carried, it was ordered that Hearing Nos. LT-0019A and LT-0019B be combined into one hearing.

Petitions for Review of Assessed Valuation received from Juliet C. Ashton, protesting the taxable valuation on land located at 424 State Route 28, Crystal Bay, Washoe County, Nevada, were set for consideration at this time. The property is zoned MDS and designated single-family residence.

Josh Wilson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Juliet Ashton, Petitioner, was not present, but submitted the following documents into evidence:

- Exhibit A, Authorization for Representation.
- Exhibit B, a letter describing special circumstances concerning the parcel
- Exhibit C, a map

Appraiser Wilson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 8.

Appraiser Wilson recommended that the Board apply an additional 20 percent reduction to the base value reducing the land value from \$228,000 to \$171,000 because of the low coverage associated with the subject parcel. He stated the taxable value does not exceed full cash value after applying the reduction.

The Chairman closed the hearing.

Based on the FINDINGS that adverse factors had not been considered, as evidenced by the Assessor's Exhibit I, and the Petitioner's Exhibits A, B, and C, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that the taxable value of the improvements on Parcel No. 123-133-24 be upheld and the taxable value of the land be reduced to \$171,000, for a total taxable value of \$182,419. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Based on the FINDINGS that adverse factors had not been considered, as evidenced by the Assessor's Exhibit I, and the Petitioner's Exhibits A, B, and C, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member

Schmidt, which motion duly carried, it was ordered that the taxable value of the improvements on Parcel No. 123-133-24 (Re-open 2004/05 Roll) be upheld and the taxable value of the land be reduced to \$171,000, for a total taxable value of \$184,129. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

05-76E HEARING NO. LT-0020 – CHARLES F. & MARY LEE CHAPAS
PARCEL NO. 128-033-05

A petition for Review of Assessed Valuation received from Charles F. and Mary Lee Chapas, protesting the taxable valuation on land located at 972 Dana Drive, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Charles and Mary Lee Chapas, Petitioners, were not present, but submitted the following documents into evidence:

- Exhibit A, photographs
- Exhibit B, a letter concerning the view rating

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that on January 20, 2005 a view inspection was attempted; but due to the weather conditions, it was not completed. In response to the Petitioner's request, Appraiser Lopez confirmed he would pursue verifying the view rating.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Koziol, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 128-033-05 be upheld.

05-77E HEARING NO. – LT-0050 – JOSEPH T. & LENORA M. VAETH
PARCEL NO. 124-083-33

A petition for Review of Assessed Valuation received from Joseph T. and Lenora M. Vaeth, protesting the taxable valuation on land and improvements located at

887 S. Dyer Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Joe Johnson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Joseph and Lenora Vaeth, Petitioners, were not present, but submitted the following documents into evidence:

Exhibit A, a letter detailing "Reasons for owner's opinion that subject property is improperly valued."

Exhibit B, a letter, maps, and land capability verification.

Appraiser Johnson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Johnson reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

Chairman Sparks reviewed the letter detailing the issues brought forward by the Petitioners. He asked if the Assessor had taken into consideration the traffic noise from increased usage of Village Boulevard. Appraiser Johnson explained the property was located in a cul-de-sac circle; it was removed from Village Boulevard by one lot depth; and no adjustments had been given due to traffic noise. Chairman Sparks commented on the irregular lot lines and building placement, and asked if that had any bearing on the land value. Appraiser Johnson said it normally would not. In terms of the building materials, Appraiser Johnson stated the house was built in 1979 and it was given the mandated depreciation of 1.5 percent per year.

In response to Member Schmidt, Appraiser Lopez confirmed the quality class was appropriate, and the subject parcel was inspected in 2003. Appraiser Johnson stated he would complete a re-inspection if requested by the Petitioner. He confirmed the lot line adjustment would not have any adverse affect on the value of the property, and it creates no detriment to the property. Member Schmidt asked how long Appraiser Johnson had worked for the Assessor's Office, and Appraiser Johnson stated he had worked for the Assessor's Office for five years.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land and building on Parcel No.124-083-33 be upheld.

10:55 a.m. The Board recessed.

11:00 a.m. The Board reconvened with all members present.

05-78E **HEARING NO. LT-0052 – ROGER AND NAOMI STEELE**
PARCEL NO. 122-162-14

A petition for Review of Assessed Valuation received from Roger and Naomi Steele, protesting the taxable valuation on land located at 63 Shoreline Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated 020/single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Roger and Naomi Steele, Petitioners, were not present.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 7.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

In response to Chairman Sparks, Appraiser Warren commented that Parcel No. 122-162-21, as referenced on the petition, was valued at more than the subject parcel.

Chairman Sparks explained it was written on the petition that there would be a "full report to follow," and he acknowledged that the Board, the Clerk's Office, and the Assessor's Office received no report.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Koziol, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 122-162-14 be upheld.

05-79E **HEARING NO. LT-0056 – DOUGLAS A. FULTON**
PARCEL NO. 124-063-13

A petition for Review of Assessed Valuation received from Douglas A. Fulton, protesting the taxable valuation on land located at 806 O'Neil Way, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Joe Johnson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Douglas Fulton, Petitioner, was not present, but submitted the following document into evidence:

Exhibit A, a letter outlining the problems pertaining to the subject parcel.

Appraiser Johnson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 8.

Appraiser Johnson reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

In response to Chairman Sparks, Appraiser Johnson acknowledged the valuation of the subject parcel took into consideration the slope from the street, the drainage ditch, and the building improvements. He confirmed the Nevada State Tax Commission agreed to the 8 percent increase, and he did not fail to follow the proper rules and regulations in appraising the property. Nancy Parent, Chief Deputy Clerk, confirmed a 10-day notice was given to the Petitioner concerning the hearing.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Koziol, seconded by Member Schmidt, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 124-063-13 be upheld.

05-80E HEARING NOS. LT- 0057A & 0057B - ALLAN O'CONNOR, TR.
PARCEL NO. 126-261-06 (REOPEN 2004/05 ROLL)

On motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that Hearing Nos. LT-0057A and LT-0057B be considered together.

Petitions for Review of Assessed Valuation received from Allan O'Connor, Tr., protesting the taxable valuation on improvements located at 723 Burgundy Road, Incline Village, Washoe County, Nevada, were set for consideration at this time. The property is zoned LDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Allan O'Connor, Petitioner, was not present, but submitted the following documents into evidence:

Exhibit A, a letter concerning the scheduling of the appeal

Exhibit B, a letter agreeing with the Assessor's recommended adjustment

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 15 for Hearing No. LT-0057A.

Exhibit II, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 11 for Hearing No. LT-0057B.

Appraiser Lopez testified that the property had a new single-family residence constructed; and, due to the timing of the inspection, it was placed on the 2004 Supplemental Roll. The property owner did not have the opportunity to file an appeal for the 2004/05 hearings. He said, during the initial inspection, the property was under construction and a quality class of 12.0 was given. The Petitioner requested an interior inspection and it was completed. Appraiser Lopez stated the appropriate rating for this residence would be a quality class of 10.0 instead of 12.0. He said, after setting the residence at a quality class of 10.0, the taxable value of the improvements should be adjusted to \$2,014,516. He requested the Board upon hold his recommendations on Hearing No. LT-0057A and LT-0057B.

The Chairman closed the hearing.

Based on the FINDINGS that there was an error in the appraisal (quality class), as evidenced by the Assessor's Exhibit I, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 126-261-06 (2005/06 Roll) be upheld and the taxable value of the improvements be reduced to \$2,014,516, for a total taxable value of \$2,964,916. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Based on the FINDINGS that there was an error in the appraisal (quality class), as evidenced by the Assessor's Exhibit II, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the improvements on Parcel No. 126-261-06 (Re-open 2004/05 Roll) be reduced to \$1,537,706. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

05-81E

HEARING NO. LT-0058 – EDWIN M. POSIN
PARCEL NO. 122-162-20

A petition for Review of Assessed Valuation received from Edwin M. Posin, protesting the taxable valuation on land and improvements located at 41 Shoreline Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated 020/single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Edwin Posin, Petitioner, was not present, but submitted the following document into evidence:

Exhibit A, a copy of his petition with further comments added.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 11.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified the Petitioner requested that his property be compared only to Parcel No. 122-161-14, which was the house across the street from the subject property. He noted the parcels were almost identical corner lots in the same sub-division. Appraiser Warren explained the sale price per square foot of 50 Shoreline Circle at \$279 a square foot could indicate that the subject property at \$283 a square foot might be over assessed; however, research into the sale of 50 Shoreline Circle revealed several factors which would point out that the particular sale was a low indication of value because of its condition at the time of the sale. He said he interviewed the listing and selling agents, subsequent to the preparation of the Assessor's Exhibit I, and it was confirmed that house has been completely gutted since the purchase and the interior was being completely rebuilt. Appraiser Warren stated the sale price, based upon conversations and his inspection of the property, was in low market condition and that was further substantiated by the sale of the house in 1999 for only \$5,000 less than it sold in 2003. He emphasized that does not fit the typical appreciation pattern for Incline Village. Appraiser Warren stated placing total reliance on that one sale does not represent the market; and, based upon the three sales listed in Exhibit I, he concluded the subject's taxable value does not exceed full cash value.

In response to Chairman Sparks, Appraiser Warren confirmed the sale price of LSI28 indicates the condition of the property, which was below average at the time of the sale. He stated the land taxable value of LSI28 would be \$50,000 more than the subject property because last year the Board of Equalization reduced the land value

on the subject due to the driveway coming off of Lakeshore Boulevard rather than Shoreline Circle.

Member Schmidt noted that comparable LSI28 was the only comparable that was similar in land size to the subject parcel, as all the other comparables were larger. He asked if the Appraiser made note of that and requested his comments. Appraiser Warren said the parcels within the Shoreline Circle sub-division were slightly smaller than the parcels on the other side of Lakeshore Boulevard. Member Schmidt asked if the Appraiser adjusted for that. Appraiser Warren said the difference was acknowledged. Appraiser Warren referenced Exhibit I and noted the three land sales were larger than the subject parcel and would require a downward adjustment for size to be more comparable to the subject property based on its size.

Member Schmidt said it would also appear that the subject parcel and LSI28 were the only comparables used that have obstructions of view and/or access to the lake. He stated substantially all of the other comparables appear to have clear views and clear access to the lake, but both the subject and LSI28 would have to walk through neighborhoods to get to the public beaches. Appraiser Warren confirmed there were no view premiums applied to the parcels. He explained the people on Shoreline Circle would have the same access privileges as others to Burnt Cedar Beach, which would be through the gate.

In response to Member Schmidt, Appraiser Warren said LSI28 was not the best assessment because the condition of the improvements impacted the sales price, which would signify that it was a low indication of value for the subject property. He explained that was why the other properties were given more consideration in the overall correlation of value. Member Schmidt inquired if those conditions of improvements of the property had anything to do with land value, and Appraiser Warren said they did not. He stated the land values were established based upon the sales that were used as of the reappraisal. He confirmed these sales would support a value of \$702,000 on the subject parcel. Member Schmidt said he was looking more at equalization than full cash value, and he asked for the taxable land values of LS-1, LS-2, and LS-3. Appraiser Warren said he could not confirm those values.

Chairman Sparks said the equalization was LSI28, which was located directly across from the subject parcel and was \$50,000 higher in land value than the subject's land value. He stated the difference was the driveway. Chairman Sparks pointed out the Petitioner did not bring forward the issue of equalization.

Member Schmidt made additional comments on equalization and gave examples. Chairman Sparks emphasized the burden of proof was upon the Petitioner, and the Petitioner had requested the Board only compare his parcel to 50 Shoreline Circle.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Koziol, seconded by Member Krolick, which motion duly carried with Member Schmidt voting "no," it was ordered that the taxable value of the land and improvements on Parcel No. 122-162-20 be upheld.

05-82E HEARING NO. LT-0060 – JACK N. III AND NANCY J. TEDFORD
PARCEL NO. 131-250-09

A petition for Review of Assessed Valuation received from Jack N. III and Nancy J. Tedford, protesting the taxable valuation on land and improvements located at 999 Fairway Boulevard, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Jack and Nancy Tedford, Petitioners, were not present, but submitted the following documents into evidence:

- Exhibit A, Notice of Decision from the State Board of Equalization
- Exhibit B, a letter concerning the assessed value of the subject parcel

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that this parcel was appealed before the Board of Equalization in 2004 for the 2004/05 tax year. The Petitioner had brought forward an appraisal that had been completed on the subject property. Appraiser Lopez noted the appraisal demonstrated a difference in square footage from the Assessor's record. He said the decision of the Board in 2004 was to uphold the Assessor's value with the condition that the Assessor's Office would verify the square footage of the residence. He confirmed on August 4, 2004 the inspection took place, and it was recognized that areas identified by the Assessor as living space were determined to be an enclosed porch. Appraiser Lopez added that the inspection also deemed an adjustment was warranted due to the traffic and a 10 percent adjustment was made at that time. Mr. Tedford filed an appeal to the State Board of Equalization. The Assessor's Office went to the State Board and made a recommendation to adjust the improvement value based upon the inspection. He said the record presently shows the correct square footage and the correct adjustments. Appraiser Lopez confirmed the land did increase by 8 percent per the Nevada Tax Commission, and

the improvements went up slightly due to the re-cost of the improvements for that year. Appraiser Lopez recommended the Board uphold the Assessor's value.

The Chairman closed the hearing.

Based on the FINDINGS that the taxable value does not exceed full cash value, as evidenced by the Assessor's Exhibit I, on motion by Member Brush, seconded by Member Krolick, which motion duly carried, it was ordered that the taxable value of the land and improvements on Parcel No. 131-250-09 be upheld.

BOARD MEMBER COMMENTS

Member Schmidt stated he would make the following disclosure based upon the recommendation of Chairman Sparks. He declared he had been concerned with possible inappropriate contacts and discussions between or among a variety of persons, including the District Attorney's Office, the Assessor's Office, and Board of Equalization members. He disclosed that after the hearing on February 11, 2005 he overheard a conversation between one or more persons from the Assessor's Office and one or more Board members and/or alternate Board members. Member Schmidt said the person or persons from the Assessor's Office were characterizing the legal representation of certain persons that have appeared before the Board this year and/or were to appear before the Board. He noted their comments were in relation to what the legal counsel was charging, what he had promised them, and why he was now replacing a previous legal counsel for the petitioners. Member Schmidt confirmed he cautioned the individuals and told them that he believed their conversations were inappropriate. He said he would not be influenced or adversely affected by the comments. He further stated he did not believe there had been any prejudice as a result of said conversation that he had overheard; and, unless advised otherwise by counsel, he would say nothing more in regard to this incident before the Board, except if something additional occurs to indicate to him that there may be a problem of inappropriate influence in a hearing yet to be conducted. He added to disclose it in more detail could create an adverse affect.

Chairman Sparks remarked that, in his absence on February 11, 2005, Member Schmidt indicated he wanted to place an agenda item for the Pledge of Allegiance on future agendas. Chairman Sparks said he believed the Board has tried to work as a majority and that any one person should not have an influence, even as they Chair. He believed there was the ability to have a lot more control over the meetings than he has allowed in the past. Chairman Sparks stated he believed what Member Schmidt wanted was an agenda item for this Board to consider the actual placement of the Pledge of Allegiance on the agenda, not that any one person or any one Board member could force an action on the Board. Chairman Sparks acknowledged he would support the placement of an agenda item on a future meeting to consider placing the Pledge of Allegiance on the Board's meeting schedule.

Chairman Sparks said Member Schmidt also requested a meeting on March 1, 2005 with a list of topics. Chairman Sparks explained he has tried as the

Chairman to be as democratic as he could be; and if three members wanted to have a meeting, then it would be appropriate to call a meeting but not by one person alone. He asked that Board members let him know if they would desire a meeting to be scheduled.

Member Schmidt said he did not concur with the assessment made by Chairman Sparks. Chairman Sparks stated he knew what occurred at the meeting, and he was trying to be as politically correct as he could in trying to get Member Schmidt's request on the agenda. Chairman Sparks declared if Member Schmidt forced him as Chair, he would re-impose the Chair's responsibility to set agendas. He noted, in the summer of 2004, the Board tried to be as accommodating as possible by allowing any Board member the ability to put forth an agenda item for discussion and approval by the Board. He said if this procedure was not going to work, it could be changed at the next business meeting and not in a hearing situation. He stated it was inappropriate to put an agenda item forth that forces an action on this Board without the Board's consideration.

Member Schmidt stated the comments by Chairman Sparks were not responsive to his comments. He said he did not think the description given by Chairman Sparks concerning what occurred on Friday was accurate, and the record would speak for itself. He confirmed he was not supporting or opposing anything the Chairman said other than supplying a disclaimer that he did not agree with the Chairman's description of the events. He said the Board had, in the past, continued all of the items he placed on the agenda for March 1, 2005. Member Schmidt noted the items were continued to a future meeting beyond the hearing season, and they were not new agenda items. He added that he described the items for the benefit of the Clerk; there were only three members of the permanent Board present on February 11, 2005; and he verified with the other two members to see if that date was available.

Member Schmidt acknowledged the Board had continued items that required a hearing at some point in time, and he scheduled the meeting as a matter of convenience because no one indicated to him as of that date where the Chairman was and whether he was going to return. He said he asked that question of several people; and, not knowing if the Chairman was going to return this week, he took the initiative to poll the two members, select a date, and he placed that date for a follow-up workshop and review hearing. He stated he was agreeable to a change in the date, but he believed a workshop should be set for after the hearing season. He added the same thing happened last year and no hearings were called or no dates were selected in violation of and ignoring the motions of the Board. Member Schmidt said he wanted to facilitate avoiding that continued problem for this year. He expressed that he was of the opinion that there were continued items, and it was mandated that a hearing be held until there was another motion to set those continued items aside.

Chairman Sparks asked the Clerk to set a three-day notice, single item agenda for the meeting on February 18, 2005 for discussion and possible action concerning future meetings of the Board.

05-83E PUBLIC COMMENTS

Gary Schmidt, Washoe County resident, gave his history with the Board of Equalization. He outlined his requested changes to the Nevada Revised Statutes, which were placed on file with the Clerk.

* * * * * * * *

11:55 a.m. There being no further hearings or business to come before the Board, the Board recessed until February 16, 2005, at 9:00 a.m.

STEVEN SPARKS, Chairman
Washoe County Board of Equalization

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Washoe County
Board of Equalization

*Minutes prepared by
Lori Rowe, Deputy Clerk*