

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

TUESDAY

8:30 A.M.

FEBRUARY 27, 2007

PRESENT:

Pat McAlinden, Vice Chair
James Covert, Member
Benjamin Green, Alternate Member

Nancy Parent, Chief Deputy County Clerk

ABSENT:

John Krolick, Member*
Gary Schmidt, Member*

John Bartlett, Deputy District Attorney*

The Board convened in the Washoe County Administration Complex, Health Department Conference Room B, 1001 E. 9th Street, Reno, Nevada. Vice Chair McAlinden called the meeting to order and the Clerk called the roll. Vice Chair McAlinden declared a recess until legal counsel was present.

***9:02 a.m.** The Board reconvened with the following individuals having arrived:

John Krolick, Member
Gary Schmidt, Member
John Bartlett, Deputy District Attorney

8:30 A.M. – BLOCK 1

SWEARING IN OF ASSESSOR'S STAFF AND PETITIONERS

Deputy County Clerk Nancy Parent swore in the following individuals to present testimony before the Board of Equalization:

Keith Stege, Appraiser	Lynette Anninos, Petitioner
Ronald Lewis, Petitioner	Robert Patnaude, Petitioner
David Forsman, Petitioner	Mike Cesario, Petitioner
Evelyn Rowe, Petitioner	Bert McCoy, Petitioner

CONSOLIDATION OF HEARINGS

Discussion took place concerning the appropriate procedure for consolidating hearings. John Bartlett, Deputy District Attorney, observed this had been

done in the past by motion and vote of the Board and suggested the Board continue to follow that procedure.

Member Schmidt requested that anyone in the audience wishing to object to consolidation or place comments into the record be asked to come forward or stand up. There was no response from the audience.

Following discussion, on motion by Member Green, seconded by Member Covert, which motion duly carried, Vice Chair McAlinden ordered the following hearings consolidated for Block 1:

- Hearing Nos. 27, 28, 29, 31, 32, 33 and 30
- Hearing Nos. 60A, 60B and 60C
- Hearing Nos. 13A, 13B, 13C, 13D and 13E

WITHDRAWN PETITIONS

The following petitions scheduled on today's agenda had been withdrawn by the Petitioners:

- Hearing No.21; Mt. Rose Lookout LLC; Parcel No. 048-061-02
- Hearing No. 20A; Mt. Rose Properties LLC; Parcel No. 048-070-01
- Hearing No. 20B; Mt. Rose Properties LLC; Parcel No. 048-061-04

07-36E HEARING NO. 588 – LYNETTE ANNINOS – PARCEL NO. 017-211-22

A petition for Review of Assessed Valuation was received January 16, 2007 from Lynette Anninos protesting the taxable valuation on land and improvements located at 15920 Toll Road, Reno, Washoe County, Nevada. The property was zoned MDS and designated single-family residence.

John Thompson, Appraiser II, duly sworn, oriented the Board as to the location of the subject property.

Petitioner Lynette Anninos submitted the following documents into evidence:

Exhibit A, Washoe County table of Books in Reappraisal with attached appraisal record cards for subject and neighboring properties.

Exhibit B, Petitioner's reasons for appeal with supporting photographs and documents.

Exhibit C, Reno Gazette Journal article of 8/26/2004 titled "Wildfire Rages in South Reno".

Ms. Anninos discussed the Assessor's values for her property and neighboring properties, indicating that the market value approach had not taken flood

damages to her property into account. Additionally, she did not see how values could be compared between properties that had not been reappraised for five years. Ms. Anninos submitted Exhibit A to illustrate her point. She pointed out that reappraisals were scheduled in the Fall of 2007 for the 2008/09-tax year and, until then, she and her neighbors were not paying taxes on their current market value but on the 2002 appraisal with the addition of some factors.

Ms. Anninos directed the Board's attention to the Assessor's record cards in Exhibit A, showing minus 20 percent adjustments for flood potential to the land values on her property and many of the properties surrounding hers. On the parcel map attached to Exhibit B, she identified her property with a parcel number ending in 22, the property adjoining hers to the south with a parcel number ending in 21, and a property owned by the Bureau of Land Management (BLM) directly to the south of that. Ms. Anninos pointed out a culvert located on the BLM parcel and maintained by Washoe County on the parcel map. The property adjoining hers to the northwest was identified on the map as well, with a parcel number ending in 23. Ms. Anninos explained there was a prescriptive right-of-way easement for Toll Road running through her property and those adjoining hers.

Ms. Anninos discussed factors that contributed to the flood damage on her property. She stated the house on parcel 23 had been located in a natural creek bed, requiring the owners to tear down the original house and build a new one in 1995. This set the newer house and surrounding property several feet higher than adjacent parcels, creating additional flooding problems for Ms. Anninos and her neighbors. To support this point, she highlighted comments from County records in Exhibit A about a flood area in the back of parcel 23. Ms. Anninos stated that the County's culvert was pointed right at her house and had not been cleaned for years. Her written complaint was included in Exhibit B. Ms. Anninos asserted the combination of the rerouted creek bed and the County's dysfunctional culvert created a flood zone on her property and resulted in a 350-foot wide, 5-foot deep wall of water after heavy rains on New Year's Eve 2005-06. The flood took out her barn, which in turn took out her water supply, and she was left with three feet of water underneath her house and coming up through the sub-floor. Ms. Anninos identified the Andrew Lane fire and other fires in the canyons above her property as additional factors that contributed to flood conditions.

Ms. Anninos identified several photographs in Exhibit B, showing the amount of water and debris around her property, the damage to her barn, the difference in elevation between her property and parcel 23, and the condition of the culverts. The photographs were taken at daylight a few hours after the flood. She pointed out an estimate in Exhibit B for \$59,000 from Gradex Construction to repair flood damage caused by "400 tons" of rock, silt and debris on her property. Ms. Anninos provided additional information in Exhibit B, including a newspaper article and a burn report from the BLM indicating the possibility of "damage to private property and threats to human life" was moderate to high. She described the culvert on her property as 200 feet long, 30 feet wide and 10 feet deep. Ms. Anninos stated she and her neighbor had thus far dug

rock and silt out of the culvert to a depth of approximately five feet, with about five more feet to go in order to clear it.

At Member Schmidt's request, Ms. Anninos identified the location of the culvert on her property. She clarified the culvert had been there long before she purchased the property.

Member Covert asked Ms. Anninos what she was asking the Board to do. She thought the value of her land was probably less than when she bought the house in 2002. Member Covert clarified that she did not think the minus 20 percent flood adjustment was enough. Ms. Anninos pointed out it would cost her \$59,000 to repair flood damage, not including fees, permits, or repair of the barn.

Member Covert wondered if Ms. Anninos might have some recourse with her neighbor if drainage from their property was damaging hers.

Member Krolick clarified the location of the BLM property on the parcel map with Ms. Anninos.

Member Schmidt disclosed that his property, which burned in the Andrew Lane fire, was shown on Exhibit C and depicted in some of the news reports. He stated he had ongoing litigation against Washoe County and the City of Reno regarding the fire but was not really a victim of the flood. Member Schmidt indicated he would participate in this hearing.

Mr. Thompson submitted the following documents into evidence for the subject property:

Exhibit I, Assessor's fact sheets including comparable sales, maps and subject's appraisal records.

Mr. Thompson reviewed comparable sales for the subject property. He pointed out the value per square foot of the Assessor's comparable improved sales was considerably higher than the value per square foot of the Petitioner's house. Mr. Thompson talked about the comparable land sales in Exhibit I, identifying property within 300 yards of the subject property that sold for approximately \$195,000 per acre. He observed the taxable value of the subject property was less than what the Petitioner originally paid for it and the comparable sales demonstrated the subject property was worth more than what the Petitioner paid for it.

Mr. Thompson stated he could find no evidence to show there was anything wrong with the culverts. He noted no one could contest the fact that a major flood had taken place or that it occurred after a major fire had created the perfect conditions for a torrent of water to come out of the canyon. Mr. Thompson did question the amount of damage to the Petitioner's property. He directed the Board to an aerial photo on page 4 of Exhibit I showing the natural drainage out of the canyon. Mr.

Thompson traced the natural drainage across the Petitioner's property and to the north through adjacent parcels. He indicated he had followed the drainage path through the Toll Road development all the way to U.S. Highway 395, where it eventually turned toward the Damonte Ranch area. Mr. Thompson's acknowledged that the culverts did fill up as a result of the flood but his research turned up no proof of anything wrong with the culverts.

Member Covert asked when the aerial photograph had been taken. Mr. Thompson was not sure but Vice Chair McAlinden noted the copyright date of 2006 in the bottom left corner.

Member Schmidt asked about the base lot value and size for property in this area. Mr. Thompson indicated the base lot value was \$50,000 and the lot size was from 0.75 to 1.2 acres. Member Schmidt observed there was a 10 percent upward adjustment for an oversized lot on the taxable value of the land.

Mr. Thompson explained that page 6 of Exhibit I was a picture taken last month of the actual drainage area through the Petitioner's property. He stated the culvert was six feet in diameter and the size of the drainage was probably six feet deep and eight to ten feet across, providing for a substantial amount of drainage. Member Covert clarified that a culvert was a tube and a drainage was a ditch. Mr. Thompson thought the Petitioner had mistakenly referred to the drainage ditch as a culvert. He mentioned there were two culverts, one in the picture running through the neighboring parcel on lot 23 and one exactly like it running through the subject parcel. Mr. Thompson identified the house in the picture that presumably caused the flood to be diverted onto the subject property. It did not appear to him there was anything wrong with the drainage through the property and he believed there were huge culverts that were well maintained.

Mr. Thompson referenced page 5 of Exhibit I, containing a picture of the Petitioner's property and how the flood affected it. He described the structure referred to as a barn by the Petitioner as a horse shed with a taxable value of \$600. Mr. Thompson estimated the damage to be minimal, with one panel knocked off by the flood that could be nailed backed up to restore it to good usage. He did not see 400 tons of debris on the subject property but thought the flood had done some aesthetic damage by rearranging the configuration of sagebrush and rocks and washing away some topsoil. Mr. Thompson commented that repair costs of \$59,000 would imply a negative land value if deducted from the taxable land value of \$57,000. He explained the 20 percent flood discount on the land value was exactly for this type of detriment: drainage and an occasional flood. Mr. Thompson did not see the flood as a particularly unique event and did not believe the damage to the property was substantial enough to warrant a reduction in the taxable value of the land.

Member Green clarified with Mr. Thompson that, in the picture on page 5 of Exhibit I, the Petitioner's home would be to the right, with Toll Road to the left and the access driveway into the property at the very bottom of the picture.

Vice Chair McAlinden asked Mr. Thompson to comment on the adjacent home set significantly higher than the subject property and what effect it would have on the flow of water across the subject property. Mr. Thompson indicated he saw no evidence that it would affect the water flow at all. He described the water as flowing away from that house, which was about 50-100 yards away from the culvert that was breached.

Member Krolick asked Mr. Thompson to place dots on his parcel map to show the locations of the houses on the two parcels.

Member Covert asked if any of the comparable sales were flood-damaged properties. Mr. Thompson responded they were not.

Vice Chair McAlinden asked about the range of discounts used to adjust the land value for flood detriment. Mr. Thompson stated he found discounts from 10 to 30 percent during his survey of County records.

Member Schmidt clarified with Mr. Thompson that no adjustments had been made to the subject property's land value for the prescriptive easement or for the irregular shape of the parcel. He offered that the easement and irregular shape might compensate for the oversized lot adjustment and the usable portion of the subject property might be less than the base lot size of 1.2 acres. Member Schmidt asked how long the minus 20 percent adjustment for flood had been on the property. Mr. Thompson indicated it was put on in 2003 after the last reappraisal but he was not sure about the time prior to that.

Member Schmidt thought there was substantial evidence to show a flood potential that negatively impacted the value of the property with respect to equalization with other properties in the base area that did not have a flood potential. Mr. Thompson agreed there was a potential for flood but stated that potential would exist almost everywhere in Washoe County, particularly where a series of events occurred like a major fire followed by a serious rain. Member Schmidt described the rangeland fire as a new event for which the Assessor had never made adjustments. He stated the exacerbation of the flood problem created by the fire's impact on vegetation and soil stability probably represented a temporary detriment to the property that would last 10-15 years. Mr. Thompson countered that the flood detriment to property after a fire in Nevada would not last more than one year because native grasses could reconstitute within one season. He commented he had previously worked for the BLM for five years and spent some of that time working on crews that reconstituted burned areas.

Member Green asked if any of the Assessor's comparable improved or land sales were located in a flood plain. Mr. Thompson observed that IS-1 was the Petitioner's neighbor. He added that any house on Toll Road was in a flood plain and Toll Road itself had been engineered to drain a significant amount of water. Mr. Thompson also noted IS-2 and IS-3 had significant drainage fronting the properties.

Member Krolick asked if IS-1 had a 10 percent upward adjustment for size and Mr. Thompson answered that it did not.

Given previous comments that they were all in a flood plain, Member Schmidt asked Mr. Thompson if he was familiar with other adjustments to value for the parcels on Toll Road. Mr. Thompson indicated he followed the drainage through the Petitioner's property all the way down until it veered north toward Damonte Ranch. His research showed flood adjustments from minus 10 to minus 20 percent on the properties throughout that course. Member Schmidt inquired whether the minus 30 percent was just part of a range within the County. Mr. Thompson stated there were a few properties with minus 30 percent adjustments but probably 95 percent of the adjustments for drainage or for flood were between minus 10 and minus 15 percent, most of them minus 10 percent. Member Schmidt again asked about adjustments for properties on Toll Road. Mr. Thompson responded he had not surveyed the whole area but observed that the streets were engineered for considerable drainage. He assumed there would not be adjustments on properties if the drainage were on each side of the road, which was the case with Toll Road. Mr. Thompson pointed out there was a minus 10 percent adjustment for drainage easement access on IS-3, located on Hot Springs Road, which he assumed was for the ditch in front of the property.

Ms. Anninos directed the Board's attention to a picture on page 7 of Exhibit B, showing what she described as at least a ten-foot height difference between her property and the neighboring property labeled IS-1 on the Assessor's list of comparable sales. She explained the County put their culvert in before the house on IS-1 was built and the creek on her lot subsequently had to be rerouted to compensate because the culvert was pointed right at her house. She stated this caused the water to come onto her property instead of being diverted onto Toll Road. She remarked that the Director of the BLM and the Chief of the Army Corps of Engineers had both taken a look and described the County's culvert to her as design flawed. Ms. Anninos related that the Chief of the Army Corps of Engineer indicated to her it was not if but when the next flood would come because so much material was loosened up between the fires and the flood that already occurred and it would not take much rainfall to make it all come down again.

She declared she did not have \$59,000 and did not see the point of cleaning up her lot if it was to be the County's culvert every time it rained. Ms. Anninos said the culvert plugged up during the flood and debris flew right over the road and skipped her neighbor's culvert. She described two culverts, one shared between her property and her neighbor to the south and one shown in the Assessor's picture on the IS-1 property. Ms. Anninos asserted the culvert in the photograph did not need to be there because the owners accessed their driveway right from the street and the culvert was just one more thing blocking the natural flow of the water.

Ms. Anninos took exception to being compared to IS-1, the property that had contributed to her flood damage. She pointed out the market value on IS-1 for March 31, 2005 was very inflated because the sale occurred during a seller's market. Ms.

Anninos emphasized that neither the IS-1 property nor any of her neighbors had 400 tons of debris on their lots and she thought that made her property a little bit different from the Assessor's comparables. She stated she could not use about one acre of her land due to the flooding and about one-quarter of an acre had been burned in a fire at the back of her lot. Ms. Anninos characterized the \$225,000 purchase price for her property as high because it had been the beginning of the seller's market and she had to negotiate against multiple buyers. She stated that IS-3, the Hot Springs Road property, was not helpful as a comparison because it was located on the opposite side of the road and was not affected by the flooding from the County culvert.

With respect to the Mr. Thompson's comment that the panels on her barn could be nailed back up, Ms. Anninos declared that three sides of the barn came down and it would take a crane just to move the pieces around. She referenced the newspaper article in Exhibit B containing a picture of the damaged barn.

Ms. Anninos pointed out the Department of Forestry and the City of Carson had taken steps after the Waterfall fire to prevent that area from having the same disastrous results as her property. She added there were similar problems on Andrew Lane after the fire that occurred there. Ms. Anninos was sure the grass seeds that the BLM spread by plane in the area had been washed out and she hoped they would seed again.

Ms. Anninos reiterated that she and her neighbor had been digging out their shared culvert by hand with shovels so that it could not cause flooding problems for her neighbors. She emphasized the \$59,000 repair bill was not her personal estimate but had come from Gradex Construction.

Member Green inquired if either the BLM Director or the Chief of the Army Corps of Engineers had written letters. Ms. Anninos responded that they had not, although she had asked them to. She stated it was challenging to get one government agency to write a letter against another government agency. Member Schmidt commented that his advice to the public with regard to that was, "sue early, sue often". Ms. Anninos indicated that would be her next approach.

Member Schmidt clarified with Ms. Anninos that the double dotted line on the parcel map in Exhibit B between her parcel number 22 and her neighbor's parcel number 21 was a shared driveway.

Vice Chair McAlinden verified with the Petitioner that she had been given enough time to make her presentation.

In rebuttal, Mr. Thompson remarked the \$59,000 estimate was not detailed and there was really no way to quantify it. He thought there really was no proof that it would take \$59,000 to reconstitute the subject property. Mr. Thompson stated, based on the comparable sales, the taxable value did not exceed full cash value and the subject

property was equalized with similarly situated properties and improvements in Washoe County.

Vice Chair McAlinden verified with Mr. Thompson that the Assessor's office had been given enough time to make their presentation. She closed the public hearing and brought it back to the Board for discussion.

Member Krolick referenced the aerial map on page 4 of Exhibit I. He observed that IS-1 had a lot more frontage on Toll Road and its building envelope and usable land were toward Toll Road with the drainage really only affecting the back triangular portion of the parcel. Member Krolick pointed out that drainage ran right through the center of the Petitioner's property, and the usable land toward Toll Road was rather narrow and would impede any development of that portion. With that in mind, he indicated he would support removing the Assessor's 10 percent oversized lot adjustment because the usable portion of the land was drastically impacted by the circumstances. Vice Chair McAlinden agreed she could support that as well.

Member Green also agreed with removing the 10 percent oversized lot adjustment. In looking at the comparable sales and taxable value, it seemed to him that the subject property was already valued quite a bit under market and he did not think further adjustment of the taxable value was warranted.

Member Covert agreed with removing the 10 percent oversized lot adjustment. Having gone through three floods himself, he expressed great sympathy for Ms. Anninos and thought her pictures were overwhelmingly convincing. Member Covert observed there was little difference of opinion about building damage but he expressed concern that no adjustment had been made for the prescriptive easement. He supported increasing the flood discount by another 10 percent, making it minus 30 percent for one year only.

Member Schmidt noted one could have drainage on a property without having flood potential. He suggested the Board leave the 10 percent oversized lot adjustment in place and make downward adjustments of 5 percent for the shape, 5 percent for the easement and 5 percent for the drainage ditch. Member Schmidt also supported an additional 10 percent downward adjustment for adjustment of the flood discount for soil destabilization, to last for a period of five to ten years. He disagreed with the testimony of the Assessor's office that growth of cheat grass or annual grasses negated soil destabilization as a result of the fire and pointed out the fire had occurred two years before the flood.

Member Schmidt stated the Board was not dealing with the market value of this property but with an equalization issue. He requested the Assessor's office redesign their form to provide future information about adjustments and taxable value of comparables to the Board, in addition to the comparable sales figures.

Member Covert believed the Assessor's office had done their job when providing information on comparables. He supported some relief on the basis that this property was a special case and would require major effort and expenditures to get it up to the standards of the comparable sales.

Member Green pointed out the Assessor placed a \$600 value on the damaged shed and there had been no damage to the residence. He did not believe this was a bad appraisal and would not support any change to it beyond removal of the 10 percent oversized lot adjustment.

Member Schmidt made a motion to add downward adjustments of 5 percent for shape, 5 percent for easements, and 5 percent for the drainage ditch, as well as an additional 10 percent downward adjustment to last for a period of five years for flood/soil destabilization as the result of fire. He also moved to reduce the improvement value by \$600 to fully depreciate the damaged shed.

Member Covert clarified that the proposed additional 10 percent discount for flood would last for five years and the other adjustments would be permanent.

Member Krolick stated he would not support five years on the additional flood discount but would support it for one year.

Hearing no second, Member Schmidt amended the motion to a one-year adjustment for the additional 10 percent flood discount. Member Krolick seconded the motion.

Vice Chair McAlinden indicated her belief that the Petitioner should be granted some adjustments but could not support the amount of adjustment suggested by Member Schmidt. She agreed with depreciating the shed.

Member Covert and Vice Chair McAlinden discussed support for removal of the 10 percent oversized lot adjustment.

On call for the question, Member Schmidt's motion failed on a 1-4 vote with Vice Chair McAlinden and Members Covert, Green and Krolick voting "no".

Member Green moved to adjust the appraisal by removing the 10 percent upward adjustment in land value for an oversized lot and to reduce improvement value by \$600 for damage to the shed. Member Krolick seconded the motion.

Member Schmidt clarified that Member Green's adjustments were based on the irregular shape of the lot, which provided less frontage and less usable acreage.

Member Covert could not support the motion. He believed the Petitioner needed some relief for flood damage in addition to the adjustments suggested by Member Green and suggested an additional 10 percent discount for flood potential.

Member Schmidt stated he could not support the motion. He believed the flood impact and flood potential had been clearly demonstrated and would last for more than one year. He suggested an additional 5 percent discount for flood potential that would be permanent.

Member Green pointed out the Petitioner purchased the property in 2002 for \$225,000 and he believed the appraisal was a good one. He did not support any changes to his motion.

Member Krolick asked for additional testimony from the Assessor's office as to what justified the difference between a 20 percent versus a 30 percent flood discount. Mr. Thompson indicated he had done some research on the parcels but had never really seen a parcel with a 30 percent adjustment when doing appraisals. It appeared to him that a parcel in a substantial major drainage such as the Steamboat ditch would constitute a 30 percent discount. He stated most of the flood discounts in a neighborhood or rural area were 10 percent and in some cases 20 percent. Member Krolick asked if a 30 percent reduction on a parcel would be in circumstances where the improved structures were likely to be flooded, not just the land itself. Mr. Thompson was not sure. He clarified that the highest flood discount on County records at this time was 30 percent.

Member Schmidt thought it was prudent to raise the flood discount to 25 percent with no time restriction, leaving it to the Assessor's office to change it on next year's reappraisal if they thought that was appropriate.

On call for the question, Member Green's motion failed on a 2-3 vote with Members Covert, Krolick and Schmidt voting "no".

Further discussion ensued about what might be an appropriate length of time to apply an additional discount for flood potential.

Based on the evidence presented by the Petitioner and the Assessor's office on Parcel No. 017-211-22, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, it was ordered that the following reductions to taxable value be made and the Assessor be directed to make the appropriate adjustments:

1. Decrease taxable value of the land by removal of the Assessor's 10 percent increase for oversized parcel based on the finding that flood and irregular shape decreases usable area of the parcel;
2. Decrease taxable value of the land by increasing Assessor's adjustment for flood detriment potential from 20 percent to 25 percent for one year; and
3. Decrease taxable value of the improvements by \$600 to fully depreciate the flood damaged shed.

The Board found, with these adjustments, that the land and improvements were valued correctly and the total taxable value did not exceed full cash value.

9:46 a.m. The Board took a brief recess.

10:02 a.m. The Board reconvened with five members present.

07-37E **HEARING NO. 18 – DAVID & MARY ANN FORSMAN – PARCEL NO. 042-280-11**

A petition for Review of Assessed Valuation was received January 9, 2007 from David and Mary Ann Forsman protesting the taxable valuation on land located at 6180 Carriage House Way, Reno, Washoe County, Nevada. The parcel was zoned SF9 and designated single-family residence.

Ken Johns, Appraiser I, duly sworn, oriented the Board as to the location of the subject property.

Petitioner David Forsman submitted the following document into evidence:

Exhibit A, reasons for Petitioners' appeal with sketch illustrating the position of large boulders on the subject property.

Mr. Forsman directed the Board's attention to Exhibit A, containing a sketch that showed large rocks on much of the land surrounding his gated community home. He explained his property was situated about 35 feet above the golf course with no access to the walking path because of all the boulders in the way. Mr. Forsman stated plans for the 2600-square-foot house had been adjusted to fit the size of the lot when the house was built. He believed the land valuation approaching \$115,000 was excessive because rocks and boulders made much of the lot unusable. Mr. Forsman described the lack of access to the back and sides of his property, with four feet from house to fence on one side and five feet on the other side. He requested a reduction in the land value of his property but felt the improvement value for the house was fair.

Member Covert asked how long the boulders had been there. Mr. Forsman indicated the builder placed the boulders during construction of the housing development.

Member Green commented that he was familiar with the Carriage House subdivision. He asked about the view and Mr. Forsman responded his property did have a very nice view. Member Green recalled that all of the homes were on small lots with very little yard surrounding them. Mr. Forsman confirmed that and stated his lot was pie-shaped and his garage was closer to the street than his neighbors' garages.

Mr. Johns submitted the following documents into evidence for the subject property:

Exhibit I, Assessor's fact sheets including comparable sales, maps and subject's appraisal records.

Mr. Johns reviewed comparable sales for the subject property, with market values running approximately \$250 per square foot of living area. He observed the Petitioner purchased the subject property 14 years ago at \$116 per square foot and its overall taxable value was currently \$125 per square foot. Mr. Johns indicated that none of the comparable land sales in Exhibit I had golf course frontage, as did the subject property. He believed the Assessor's taxable values represented a conservative estimate and recommended that they be upheld.

Member Schmidt inquired if any evidence had been submitted regarding the taxable values of comparable properties or other properties in the subdivision to allow the Board to address the issue of equalization. Mr. Johns asked if he meant that other properties were being taxed at a lower rate than the subject. Member Schmidt asked about the base lot value. Mr. Johns clarified that the base lot value was \$100,000 and the subject property had a 5 percent adjustment for an oversized lot. Member Schmidt wondered whether it was common for other properties in the subdivision not to have access to the golf course. Mr. Johns indicated the other lots he had looked at seemed to share the same situation as the Petitioner. Member Schmidt clarified with Mr. Johns that there was only rough access to the walkway on the golf course, requiring one to climb down the hill through the boulders. Mr. Johns believed the access was no different than that of the surrounding properties. Member Schmidt asked what percentage of the subject property represented usable building envelope or yard area compared to other properties in the same subdivision. Mr. Johns could not hazard a guess about percentages but recalled the usable area to be about average compared to its neighbors. Member Schmidt asked about the nature of adjustments within the subdivision. Mr. Johns was unaware of any adjustments for lack of access or increased traffic. He was uncertain about the typical lot size within the subdivision and did not know what adjustments were in place on the properties surrounding the subject property. Member Schmidt asked about the density of the boulders and whether there was space between them. Mr. Johns thought the density had been intentionally increased by the builder but did not know specifics.

In rebuttal, Mr. Forsman described the boulders as not quite the size of Volkswagens but very big. He explained most of the nearby properties could access the golf course by walking alongside the houses but his lot did not allow him to do that. Mr. Forsman indicated there was very limited space on his lot for a backyard deck, garden plants or accessories. He noted there were about four empty lots in the neighborhood with earthquake faults on them that some neighbors used for golf course access but his property was not close to any of those.

Member Krolick observed that the parcel map on page 7 of Exhibit I showed an earthquake fault area a few doors down from the Petitioner's property and asked if that provided access. Mr. Forsman stated that lot was also obstructed by boulders. He added there were some flat lots on another circle, which allowed one to walk right out to the golf course.

Member Schmidt asked Mr. Forsman his opinion about the percentage of rocks on his lot versus his neighbors to the north, to the south, across Carriage House Way, and those further down the street to the south. Mr. Forsman estimated about 40 feet of rocks between his property and his neighbor's property line on one side. On the other side, he described a four-foot high cement retaining wall about five feet from his house, with more rocks between there and his neighbor's house on that side. He thought the rocks were excessive compared to about 138 other properties in the subdivision. He observed that his neighbor to the right also had rocks on his property, although not quite as high, and the neighbor to the left could walk right onto the golf course. Member Schmidt asked Mr. Forsman if the size of his lot was larger than average for the neighborhood. Mr. Forsman stated he thought it was smaller than average.

Mr. Johns had no further comments in rebuttal.

Vice Chair McAlinden verified with the Petitioner and the Assessor's office that they had been given enough time to make their presentations. She closed the public hearing and brought it back to the Board for discussion.

Member Krolick indicated he might support a minor adjustment for the shape of the parcel but could just as easily support no adjustment at all.

Member Green reiterated his familiarity with the subdivision and stated one of its selling points was that the lots were designed to require very little yard maintenance. He stated he might support a very small adjustment for the land but did not believe the taxable value was out of line.

Vice Chair McAlinden agreed with Member Green's comments.

Member Schmidt counted up some of the lots on the parcel map, noting 20 lots that were larger than the subject property, 17 smaller than the subject property, and one the same size. He also observed it was the most pie-shaped lot on the parcel map. Member Schmidt could not see any justification for the Assessor's 5 percent oversized lot adjustment.

Member Covert asked if there was an average lot size within the subdivision or if there were other specific rules. Mr. Johns responded that a base lot typical of the subdivision was identified and adjustments were made against that but he did not know the specific base lot size.

Based on the evidence presented by the Petitioner and the Assessor's office on Parcel No. 042-280-11 and the finding that a portion of the parcel is unusable, on motion by Member Green, seconded by Member Schmidt, which motion duly carried, it was ordered that the taxable value of the land be reduced by removing the Assessor's 5 percent increase for oversized parcel. The Assessor was directed to make the appropriate adjustment and the Board found, with this adjustment, that the land and improvements were valued correctly and the total taxable value did not exceed full cash value.

07-38E HEARING NO. 38 – RONALD D & DENISE M LEWIS – PARCEL NO. 044-141-07

A petition for Review of Assessed Valuation for the 2006/07-tax year was received January 12, 2007 from Ronald and Denise Lewis protesting the taxable valuation on improvements located at 160 Drew Drive, Reno, Washoe County, Nevada. The parcel was zoned MDS and designated single-family residence.

Howard Stockton, Appraiser II, duly sworn, oriented the Board as to the location of the subject property.

Petitioner Ronald Lewis explained he contacted the Assessor's office in December 2006 regarding the quality class assigned by the Assessor's office after he completed some remodeling to increase the square footage of his home. Mr. Stockton and another appraiser came out to the subject property to discuss the issue with him. Mr. Lewis had additional concerns about the overall increase in taxable values for the entire area around the subject property and about the land value of his property. He directed the Board's attention to the parcel map on page 6 of Exhibit I and asserted there was less usability of his corner lot due to its "hatchet shape". Mr. Lewis indicated there had also been some negative impact from excessive water and flooding when the Last Chance Ditch overflowed. He indicated he and the Assessor's office were in agreement about a reduction from 4.0 to 3.5 in the quality class on his home but he did not understand the massive increase in his overall tax liability.

Mr. Lewis pointed out that Member Green had been one of his instructors in a recent real estate investment course.

Member Green asked about the traffic in front of the Petitioner's home. Mr. Lewis said that most of the traffic from South Hills Drive did not pass through Drew Drive.

Member Schmidt asked Mr. Lewis if he was in agreement with the Assessor's figures given on page 3 of Exhibit I for the 2005 remodel project. Mr. Lewis stated he had looked at the figures but did not understand them clearly because they came out of a book. He had not measured the actual square footage after remodeling his home but felt the usable space was less than that calculated by the County from building plans because of 2x6 construction and shear walls. Member Schmidt inquired about the cost

per unit figures. Mr. Lewis indicated he worked on the project as a general contractor, so his actual expenses had been less than the Assessor's estimates.

Member Schmidt asked Mr. Lewis if he was challenging the taxable value of the land. Mr. Lewis responded that he was challenging the land value because of the property's unique shape and because he had to put in 213 feet of drainage to decrease flooding from the Last Chance Ditch.

Member Krolick questioned that the Petitioner was characterizing his corner lot as a detriment rather than a positive attribute. Mr. Lewis said the setback requirements from both streets resulted in less usable building space. Member Krolick asked if he had driveway access to both streets. Mr. Lewis stated there was a 12-foot culvert placed by the County on the Mahogany Drive side. Member Green clarified with the Petitioner that there was a circular driveway on the property leading to both streets.

Member Green pointed out the Assessor's recommendation to reduce the quality class from 4.0 to 3.5, giving a taxable improvement value of \$155,601 and \$60,588 for the taxable land value. It appeared to Member Green that this land value was a reduction from \$69,676 and Mr. Lewis indicated he was amenable to those recommendations.

Mr. Stockton submitted the following documents into evidence for the subject property:

Exhibit I, Assessor's fact sheets including comparable sales, maps and subject's appraisal records.

Mr. Stockton reviewed the comparable sales for the subject property, stating the taxable value did not exceed full cash value.

In response to Member Schmidt's question, Mr. Stockton stated there was a base lot value of \$55,000 for the subject property. After discussing the Assessor's record card, Mr. Stockton clarified the Assessor's office was not recommending a reduction in land value and was only recommending a reduction in quality class to correct the 2006/07-tax roll. Further questioning revealed the taxable values on page 1 of Exhibit I were those for the 2007/08-tax roll but the recommended taxable values on page 2 were for the 2006/07-tax roll.

Member Schmidt asked Mr. Stockton if he was of the opinion that the factor for the subject property was not appropriate. Mr. Stockton indicated he had not said that.

Discussion took place to clear up confusion about which tax year and what taxable values were before the Board for consideration. Member Schmidt pointed out the roll year on the petition form said "2007/08" followed by some initials. Vice Chair McAlinden pointed out the agenda listed 2007/08 as the year being appealed and

wondered if the information on the petition was incorrect. County Assessor Josh Wilson clarified the petition form had been received with no roll year identified and the initials belonged to a member of the Assessor's office staff who had filled in "2007/08". Mr. Wilson indicated the Petitioner might wish to seek further reductions but the Assessor was only recommending reduction of the improvement value for the 2006/07-tax year. He explained the Assessor could not change the quality class for 2006/07 unless directed by the Board to do so because the tax roll was already closed for that year. The Assessor had already reduced the quality class for 2007/08 before that roll year was closed.

Member Green suggested the Board vote on the 2006/07-tax roll and then consider 2007/08 separately. Member Krolick did not believe 2007/08 was before the Board. Mr. Wilson stated his office had created the confusion when someone in Data Management marked and initialed the petition.

Vice Chair McAlinden asked Mr. Lewis to respond to the tax-year issue. Mr. Lewis stated he was not certain how to respond. On questioning by Member Schmidt, Mr. Lewis reiterated that he was happy with the 3.5 quality class recommended by the Assessor. Member Schmidt asked Mr. Lewis to restate his concerns about land value. Mr. Lewis indicated he was confused by the two different numbers he saw for land values on pages 1 and 2 of Exhibit I. He was concerned about the shape of the property and setback requirements that negatively impacted the usability of his lot.

Member Schmidt was of the opinion that the Board should consider the Petitioner's appeal of land value for the 2007/08-tax year.

Member Covert agreed with Member Green that different motions would be required for each of the tax years.

Mr. Wilson noted the MDS zoning, which meant a base lot size of 0.33 acres. He indicated the Petitioners had been very close to receiving an oversized lot adjustment for their 0.41-acre parcel but were not assessed for that because of the usability issues. Mr. Wilson pointed out that the configuration of the lot probably allowed Mr. Lewis to do the addition to his home within the required setbacks. He did not feel the land value should be adjusted downward because the subject property was already in equalization. Mr. Wilson advised the Board about statutory changes to NRS 360.250-1 that stated, "The Nevada Tax Commission shall adopt general and uniform regulations governing the assessment of property by the county assessors of the various counties, county boards of equalization, State Board of Equalization and the Department. The regulations must include, without limitation, standards for the appraisal and reappraisal of land to determine its taxable value." Having demonstrated the Board was bound by the same regulations that the Assessor must follow, Mr. Wilson talked about NAC 361.118, which talked about adjustments to property, "any adjustment made by the county assessor must be made using verifiable market evidence." He commented this was the County Board of Equalization, not the County Board of Reduction.

Vice Chair McAlinden verified with the Petitioner that he had been given enough time to make his presentation.

Based on the evidence presented by the Petitioner and the Assessor's office on Parcel No. 044-141-07 and the finding that a quality class of 4.0 was not justified, on motion by Member Green, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's recommendation be upheld, reducing the taxable value of the improvements from \$175,970 to \$155,601 (quality class from 4.0 to 3.5). The Assessor was directed to make the appropriate adjustment and the Board found, with this adjustment, that the land and improvements were valued correctly and the total taxable value did not exceed full cash value.

Member Green asked Mr. Lewis if he had come to an agreement and wished to withdraw his petition for 2007/08 or whether he wanted the Board to deal with that tax year. Mr. Lewis stated he had not actually filled in the 2007/08-roll year when he filed the petition and was satisfied with the agreement reached for 2006/07. Vice Chair McAlinden ordered the 2007/08 petition withdrawn.

Member Schmidt requested that the Assessor clearly denote base lot value and base lot size on future record sheets, stating the information was very relevant to the Board's consideration. Mr. Wilson acknowledged the request.

07-39E HEARING NO. 51 – RICHARD J & EVELYN K ROWE – PARCEL NO. 076-150-16

A petition for Review of Assessed Valuation was received January 16, 2007 from Richard and Evelyn Rowe protesting the taxable valuation on land located at 4900 Cactus Canyon Road, Reno, Washoe County, Nevada. The parcel was zoned GRR and designated vacant single family.

Keith Stege, Appraiser III, duly sworn, oriented the Board as to the location of the subject property.

Petitioner Evelyn Rowe submitted the following documents into evidence:

Exhibit A, letter from Petitioner, parcel map, Rocketdyne Fact Sheet about test site contamination and cleanup, and comparable sales information.

Ms. Rowe identified herself as a REALTOR[®] who was quite familiar with Palomino Valley, where the subject property was located. She mentioned she had a good understanding of the speculative price increases in land that had taken place over the last two years and the declines now taking place in the marketplace. Ms. Rowe explained she had owned the subject property since 1988. She described access to the property via roads that were not paved and not maintained by a General Improvement District (GID). Ms. Rowe observed the taxable value had risen from \$69,000 to \$350,000 in one year,

representing a 500 percent increase. When she talked with the appraiser about it, he indicated comparable sales in the area supported the increase.

Ms. Rowe discussed the heavy speculation and dearth of parcels on the market in 2005 and 2006 that resulted in some sales at very high prices. Her survey of records on the Multiple Listing Service (MLS) revealed 150 or so parcels on the market with only nine or ten sales. Ms. Rowe found only two area properties that sold for more than the taxable value of the subject property, one located on the State highway that sold for \$390,000 and a second for which the Petitioners had actually brokered the sale. She described the second property as being located on Axe Handle Canyon, a paved road about 0.5 miles off the State highway between two horse ranches, with power on the property and at a lower elevation than the subject property. Ms. Rowe indicated her husband had worked as a water witcher and knew that well depths on Axe Handle Canyon were approximately 400 feet while wells in the area of her property were approximately 1,100 feet deep. She pointed out that the subject property was about 800 to 900 feet higher in elevation than the one on Axe Handle Canyon.

Ms. Rowe directed the Board's attention to a Rocketdyne Fact Sheet in Exhibit A and stated the subject parcel was right next to an old North American Rockwell test site that had contaminated water. She pointed out the location of her property next to Area B of the old test site. Ms. Rowe observed that water testing and remediation of the Rocketdyne property had been going on since 1991 and there were currently half a dozen test wells near the east border of the subject property to monitor for contamination. As a REALTOR[®] she was aware that the mere presence of the test site had an impact on what a potential buyer might think about the property's value, in spite of assurances from Rocketdyne that there would be no contamination on the subject property.

Ms. Rowe stated the subject property was pie-shaped and located up in the hills. Aside from the two comparables already mentioned, the only other property she could find on the MLS that sold at a higher price was located many miles away in a special plan area where parcels were being subdivided. She discussed the comparable sale labeled LS-3 in Assessor's Exhibit I and pointed out it was located on a GID-maintained road. Ms. Rowe thought the comparable most similar to the subject property was LS-2, located about 0.25 miles from the subject property with private access off of Axe Handle Canyon, also a paved and GID-maintained road.

Based on comparable sales, the Petitioner did not think \$350,000 represented a fair market value for the subject property. The comparable properties had access on paved and/or GID-maintained roads, as well as features such as wells, wells with a well house, springs or creeks. As a rural property salesperson, the Petitioner knew these to be valuable selling points. She pointed out that the comparable sales all took place a year or more ago and there had been a decline in market values since that time. Since the valuation was supposed to be for 2007/08, Ms. Rowe was curious as to what base price was used to arrive at the \$350,000 taxable value of her property. She did not believe the appraiser took into consideration that her property was next to the old test site.

Member Schmidt asked about the Petitioner's opinion of market value. She estimated \$225,000 to \$250,000, although she thought the market prices were very speculative. Ms. Rowe referred to the \$400,000 sale she had brokered, indicating that property would have been worth \$45,000 to \$50,000 in 1988 when she paid \$15,000 for the subject property. The Petitioners did not realize there was contamination on the test site next to their property when they purchased it but now had to provide disclosure for the Rocketdyne site to any potential buyers in the area. Member Schmidt asked if there were any creeks, seasonal or otherwise, on her property. Ms. Rowe responded there were not.

Mr. Stege submitted the following documents into evidence for the subject property:

Exhibit I, Assessor's fact sheets including comparable sales, maps and subject's appraisal records.

Mr. Stege stated the Assessor's three comparable sales for the subject property were used to determine a base value of \$350,000 for the neighborhood of the subject property. He reviewed the comparable sales and indicated only sales from that neighborhood were used to determine the base value. Based on comparable sales, Mr. Stege indicated the taxable value of the subject property did not exceed full cash value and the property was equalized with similarly situated properties in Washoe County.

Mr. Stege directed the Board's attention to page 2 of Exhibit I, which contained descriptions of comparable sales submitted by the Petitioners. He identified the closest comparable as Sale #9 at a price of \$400,000.

Member Covert commented on the difference in acreage between LS-3 on page 1 of Exhibit I at 48.87 acres and the subject property at 40.01 acres. He suggested the price per acre based on the comparable would give the subject property a value of about \$300,000. Mr. Stege pointed out that was not how site value worked. He stated the base lot size for the neighborhood was 20.0 to 79.9 acres. Mr. Stege added that topography and enough acreage to split a parcel were the primary considerations for making size adjustments to the land value. Member Covert asked about adjustments for proximity to the test site. Mr. Stege indicated the wells at the test site were constantly monitored. Member Covert asked about the monitoring stations. Ms. Rowe stated they were 4-inch wells. She was not sure how often samples were drawn but stated at least a couple of times per year and possibly on a quarterly bases. Ms. Rowe explained testing of the surrounding wells had been conducted since 1991 and two wells on another parcel next to the subject property had been taken out of production with a different well drilled a little further from the test site. She indicated no monitoring well had ever been drilled on her property, but there were wells immediately adjacent to the east boundary of the test site. Member Covert asked if the water from those monitored wells was contaminated and Ms. Rowe responded that it was. Ms. Rowe stated some of the worst contamination was at Area B. Although Rocketdyne's position was that the plume was not moving, she pointed out that it could move and that is why they monitored right at the

east border of her property. Member Covert asked about remediation. Ms. Rowe stated they were supposed to be doing remediation but she had not seen any specific documentation. Mr. Stege recalled the Rocketdyne Fact Sheet supplied in Exhibit A, which said all the wells were clean. Ms. Rowe commented that the wells they were currently monitoring had been clean but the wells that were not clean had been taken out of circulation. Member Covert suggested the mere presence of monitoring wells to test water quality around the subject property would have a deleterious effect on value. Mr. Stege stated he had been assured by Rocketdyne that the water was clean.

Member Schmidt agreed the presence of the monitoring wells indicated a level of concern. He asked if the Assessor would have made adjustments if the water had proven to be contaminated. Mr. Stege responded affirmatively and indicated he had been checking with Rocketdyne every time property in the area was reappraised for over ten years now.

Member Schmidt asked about power to the property. Mr. Stege stated there was power running right through the subject property.

In rebuttal, Ms. Rowe confirmed there was power running through the property, which the Petitioners had helped to bring in when a house next door to their property was built several years ago. She stated Rocketdyne had repeatedly said the well water on private property surrounding the test sites was clean but she did not believe all of the monitored wells on the test site were clean. Ms. Rowe referenced page 3 of the Rocketdyne Fact Sheet, which showed the plume of contamination being monitored. She noted that Rocketdyne worked to keep the contamination from affecting private wells outside of its property and purchased the test site property back from private owners due to the contamination.

Vice Chair McAlinden closed the public hearing and brought it back to the Board for discussion.

Member Krolick stated it was not the Board's position to make adjustments based on speculation. Because there was no proven contamination, he thought it would be purely speculative to assume water contamination might show up at some time in the future.

Member Green commented that, although the Board could not speculate on future contamination, the proximity of the subject property to Rocketdyne property represented a real concern to any potential buyers and most buyers would not want to be close to the Rocketdyne property or its monitoring wells.

Member Covert indicated he had some experience with contamination remediation and was in 100 percent agreement with Member Green's comments. If he were a buyer, he would walk away from a property with a contamination well next to it.

Member Schmidt concurred with the comments of other members and said that perception was as important as reality in the marketplace. He believed the presence of the test wells should be taken into account on the basis of equalization. Member Schmidt also noted the subject was the most irregularly shaped property on the parcel map. He was willing to consider a 10 percent or greater adjustment for the shape of the parcel, as well as an adjustment for proximity to the monitoring wells.

Member Krolick pointed out the 40-acre size of the subject parcel made irregular shape less detrimental than that of a parcel with a small building envelope.

Vice Chair McAlinden verified with the Petitioner that she had been given enough time to make her presentation.

Member Schmidt commented that access to the parcel was not as beneficial as other parcels in the base area.

Vice Chair McAlinden agreed with Member Krolick's comments and did not feel its shape was a significant detriment to the 40-acre parcel. Member Covert agreed with that as well.

Vice Chair McAlinden commented that questions about water sometimes created financing issues for potential buyers.

Member Schmidt suggested a possible reduction to \$225,000 or at least to \$250,000.

Vice Chair McAlinden suggested a reduction to \$300,000.

Member Green referenced LS-2 in Exhibit I, which had a sale price of \$297,500. He thought this price could be used as a base with some deduction for proximity to the Rocketdyne property. Member Green made a motion to reduce the taxable land value by \$75,000.

Member Schmidt seconded the motion and commented that the reduction was justified by the subject property's proximity to the test monitoring wells.

Member Krolick could not support the motion. He pointed out that LS-1 in Exhibit I had a Sierra Pacific power line bisecting the parcel and thought the proven magnetic energy produced by high tension lines represented more of a detriment than the potential contamination next to the Rocketdyne site. Member Krolick was in favor of upholding the Assessor's value.

Based on the evidence presented by the Petitioner and the Assessor's office on Parcel No. 076-150-16 and the finding that adverse factors were not given enough weight by the Assessor, on motion by Member Green, seconded by Vice Chair McAlinden, which motion passed on a 4-1 vote with Member Krolick voting "no," it was

ordered that the taxable value on land be reduced by \$75,000 to \$275,000. The Assessor was directed to make the appropriate adjustment and the Board found, with this adjustment, that the land was valued correctly and the total taxable value did not exceed full cash value.

07-40E HEARING NOS. 13A, 13B, 13C, 13D & 13 E – MICHAEL & ELEANOR CESARIO – PARCEL NOS. 076-290-46, 076-290-47, 076-290-48, 076-290-49 & 076-290-50

A petition for Review of Assessed Valuation was received January 8, 2007 from Michael and Eleanor Cesario protesting the taxable valuation on land located at Wootton Downs Drive, Reno, Washoe County, Nevada. The parcels were zoned GR and designated vacant single family.

Keith Stege, Appraiser III, duly sworn, oriented the Board as to the location of the subject properties. He explained the Petitioners recently split the property into five parcels. He submitted the following documents into evidence:

Exhibit I, Assessor's fact sheets for each of the five subject properties including comparable sales, maps and subjects' appraisal records.

Mr. Stege pointed out there was a typographical error in the Assessor's recommendations on page 1 of Exhibit I for each of the subject properties. The recommendation was to reduce the taxable land value from \$350,000 to \$325,000 for each parcel.

Petitioner Michael Cesario stated he and his wife originally purchased a 40-acre ranch in 1999 and two years later purchased the adjoining property from the Bureau of Land Management (BLM). The BLM property constituted two separate parcels of 70 acres and 150 acres. He commented the Petitioners undertook considerable expense to split the property from two parcels into five, which resulted in an increase from \$378,000 to \$1,750,000 for the combined taxable value.

Mr. Cesario indicated the property was on a private road that was not maintained by the County or by a General Improvement District (GID). The closest electricity to the parcels was more than 0.2 miles away and wells would need to be put in for each parcel. He described the topography as hilly with a number of vertical mine shafts and addits that had been built over the last 150 years. The Petitioners believed there were a number of factors affecting the marketability of the parcels. Mr. Cesario indicated there were few recent comparables in the area. He described one 50-acre property on Curnow Canyon Road that sold for \$400,000 and a second property on Curnow Canyon Road that sold for \$110,000. Mr. Cesario's request to the Board was to reduce the taxable value to \$275,000 for each of the subject properties.

Member Green clarified with Mr. Cesario that it was his intention to sell one parcel and keep the others.

Mr. Stege reviewed the comparable sales for the subject property. He indicated the subject parcels had not received downward adjustments for lack of power and the Assessor's office was recommending a reduction of \$25,000 per parcel to correct that error. Mr. Stege explained that adjustments for differences in size or topography were not warranted in this reappraisal area unless a parcel was large enough to be split into two. He noted that increased lot sizes were typically due to steep terrain on a portion of the parcel. Mr. Stege recommended a taxable value of \$325,000 per parcel to equalize with neighboring parcels in the 2007 reappraisal area.

Member Covert asked about the total acreage for the five parcels. Mr. Stege responded the total was 230+ acres. Member Covert noted the Assessor's comparable labeled LS-4 had been sold out of bankruptcy, so the sales price might have been lower than that of an arm's length transaction. Mr. Stege pointed out that LS-4 probably did not have a size adjustment for its 67 acres because there was steep terrain within the parcel.

Member Schmidt asked whether LS-4 was sold out of bankruptcy or foreclosure. Mr. Stege did not know and observed the data had not yet been verified with the buyer because the sale was recent. Member Schmidt pointed out a property sold out of bankruptcy under the control of a trustee would probably be representative of market value but a foreclosure sale might result in a lower price because it had to be completed more quickly. Member Covert agreed with Member Schmidt about the difference between a bankruptcy and a foreclosure sale.

Member Green asked if there should be some difference in value for the one parcel of approximately 70 acres that was significantly larger than the others of approximately 40 acres. Mr. Stege did not believe so due to topography.

Member Krolick asked the Petitioners about their purchase of the parcels. Mr. Cesario indicated they had made one purchase and then subsequently found out the property had two separate parcel numbers. Member Krolick asked Mr. Cesario if he had understood what the impact would be when he decided to subdivide the parcels. Mr. Cesario realized there would be an impact but had not expected it to be so significant.

In rebuttal, Mr. Cesario referenced Assessor's comparable sale LS-4, pointing out the property was about three miles from the Pyramid Highway while the subject properties were about seven miles further than that. He believed the distance was significant in terms of value. Mr. Cesario stated his request for a taxable value of \$275,000 was based on the average price per acre of comparable sales for similar property. He explained that one of the subject parcels had been listed for sale at \$350,000 for 251 days with no offers. Mr. Cesario believed he could probably sell the land for \$275,000 and thought the current state of the market warranted a reduction in taxable value to that amount.

Vice Chair McAlinden verified with the Petitioners and the Assessor's office that they had been given enough time to make their presentations. She closed the public hearing and brought it back to the Board for discussion.

Member Krolick indicated he would support a motion to uphold the Assessor's recommendation and reduce the value by \$25,000 per parcel based on a lack of power to the properties.

Member Schmidt commented he could not support the motion. He was not sure the Petitioners had met their burden of proof but believed the recommended value was too high based on his familiarity with the area.

Based on the evidence presented by the Petitioner and the Assessor's office on Parcel Nos. 076-290-46, 076-290-47, 076-290-48, 076-290-49 and 076-290-50 and the finding that a detriment existed due to lack of power to the parcels, on motion by Member Krolick, seconded by Member Covert, which motion passed on a 4-1 vote with Member Schmidt voting "no," Vice Chair McAlinden ordered that the Assessor's recommendation be upheld, reducing the taxable value of the land by \$25,000, from \$350,000 to \$325,000 for each parcel. The Assessor was directed to make the appropriate adjustments and the Board found, with these adjustments, that the land was valued correctly and the total taxable value did not exceed full cash value.

1:07 p.m. The Board took a brief recess.

1:31 p.m. The Board reconvened after their lunch break with Member Krolick temporarily absent.

07-41E HEARING NO. 60A, 60B & 60C – MCCOY, BERT F & ARLIE D
TR – PARCEL NOS. 071-050-01, 071-050-02 & 071-060-02

A petition for Review of Assessed Valuation was received from Bert F. and Arlie D. McCoy TR protesting the taxable valuation on land located between 15 and 17 miles southwest of Gerlach, Washoe County, Nevada. The properties are zoned GR and designated vacant, single family.

Ron Shane, Appraiser III, duly sworn, oriented the Board as to the location of subject property.

Bert McCoy, Petitioner, duly sworn, submitted the following documents into evidence:

Exhibit A, Letter from N.R.L.L. East, LLC dated October 11, 2005 offering \$8,000 cash for APN 071-050-01.

Petitioner McCoy testified the subject properties had no legal access or road leading to them, and he described the terrain.

1:35 p.m. Member Krolick returned.

Petitioner McCoy discussed the unsolicited offer he received from N.R.L.L. East, LLC. He indicated the subject properties were part of a family trust, which were used by the family as a place to get away. He felt a 244 percent tax increase in one fell swoop was not a fair assessment of the value and the comparable sales were not equal in value because they had road access or were within a mile of such access.

Appraiser Shane submitted the following documents into evidence for Hearing Nos. 60A, 60B, and 60C:

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

Appraiser Shane described the subject parcels and the comparables that also had the characteristics of rugged terrain, lack of road access, and were of a similar size and location. He indicated the lack of legal access was not unique for the area. He stated the Bureau of Land Management (BLM) had explained to him the majority of parcels in the area were surrounded by BLM land and did not have a legal right-of-way. The property owner could make infrequent visits and use the property for recreation, but could not build a house on it without acquiring an approved right-of-way. Appraiser Shane felt LS-1 had the most similar topography, and he discussed the other points of comparison for that parcel and the other comparables. He said the comparables indicated level topography was less desirable than having amenities for recreation.

In response to Member Covert, Appraiser Shane explained he meant fairly flat when he described something as being level.

Appraiser Shane said the Assessor's Office would make adjustments if there was empirical evidence to support the adjustments. He discussed the comparable sales and that sales had been tracked for five years. He said a typical purchase by N.R.L.L. East, LLC was \$50 above the assessed value; and, for that reason, he typically did not use those purchases for comparable sales.

In response to Member Krolick, Appraiser Shane replied this area had the lowest tax rate, which he believed was .02712 multiplied by the taxable value to get the taxes for 2006/07.

In response to Member Schmidt, Appraiser Shane said only properties with improvements were visited during the reappraisal because there were 5,000 square miles and over 2,200 parcels to cover. He indicated he did not know if the subject properties had four-wheel drive access, and he pointed out on the map the parcel they were on during the reappraisal and discussed its topography. Petitioner McCoy stated the topography of his parcels did not accommodate all-terrain vehicles.

In response to Member Schmidt, Appraiser Shane replied a positive recreational attribute was being surrounded by BLM land.

In response to Member Green, Appraiser Shane speculated the property no longer had a mine because taxes would be zero if \$100 of work was done on the mine per year.

In rebuttal, Petitioner McCoy stated the parcel Appraiser Shane visited had no legal access. He indicated the price per acre was different for LS-5 and LS-6. He felt their location in regards to roads made them more valuable. He stated his properties had no mineral rights and a cattleman used the water rights for grazing. He said the values were not what they appeared to be by looking at the comparable sales because there were no comparable sales.

In response to Vice Chair McAlinden, Appraiser Shane replied LS-3 had water, springs, and trees, which he believed was part of a group sold on E-Bay. He said he avoided sales that had those characteristics; so most of the comparable sales did not have them. He clarified the values he provided on LS-5 and LS-6 were taxable values and sometimes the sales value was not the market value. He stated water and mineral rights were generally not factored in when an assessment was done in this area because of the lack of good information regarding those rights.

In response to Member Schmidt, Appraiser Shane said number three grazing indicated there was no water.

The Vice Chair closed the hearing.

Member Krolick stated the current market value was \$12,000 to \$15,000 for rural parcels in Nevada on E-Bay, and \$20,000 would be difficult to obtain in today's market. He discussed N.R.L.L. East, LLC, which he felt used predatory practices.

Member Green supported granting relief at \$5,000 per parcel.

Member Schmidt discussed the comparables. He indicated he favored granting relief because of the lack of access and would support \$10,000 to \$15,000 per parcel.

Member Krolick said this was difficult for the County Board to decide and felt it was a more appropriate decision for the State Board. He commented he was not sure how the County got the tax rate for the area because the land on some of the properties was like the landscape on the moon.

Member Covert recognized the Assessor's difficulty with this type of property, but he could not support any motion that changed the assessed valuation.

Based on the evidence presented by the Petitioner and the Assessor's Office, on motion by Member Green, seconded by Vice Chair McAlinden, which motion passed on a 4-1 vote with Member Covert voting "no," it was ordered that the taxable value of the land on Parcel Nos. 071-050-01, 071-050-02 and 071-060-02 be reduced from \$20,000 to \$15,000 for each parcel. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

**07-42E HEARING NO. 42 – PATNAUDE, ROBERT E & JINTANA –
PARCEL NO. 077-210-11**

A petition for Review of Assessed Valuation was received from Robert E. and Jintana Patnaude protesting the taxable valuation on land located on Ironwood Road in Palomino Valley, Washoe County, Nevada. The property was zoned GRR and designated vacant, single family.

Michael Gonzalez, Appraiser II, duly sworn, oriented the Board as to the location of the subject property.

Robert Patnaude, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, Letter to the Board dated January 10, 2007 with supporting documents.

Petitioner Patnaude testified that his property had a 15-acre easement granted to the Palomino Valley General Improvement District (GID). He said the parcel used as a comparable had a well, power and an access road all of which he did not have. He felt his parcel was worth \$90,000 at best. He stated the GID pit was an eyesore from his property and had massive fuel and oil spills, which someone would have to clean up. He said he did not get any compensation for the easement.

Petitioner Patnaude explained the Assessor's Office had not been following a previous decision by the County Board of Equalization (BOE) to reduce his tax base. He felt it was a waste of time to have to revisit the issue once a year, and no one paid him for the time it took to get the mess straightened out.

Vice Chair McAlinden informed the Petitioner there was a court reporter available who could translate the Board's discussion for him, which he could read on a computer screen. Petitioner Patnaude replied he would like that.

Member Covert noted the Petitioner received a 10 percent reduction for the easement. Petitioner Patnaude replied it was not enough because he would have to look at the hole where he wanted to build his home.

In response to Member Green, Petitioner Patnaude replied the easement was there when he bought the property. He said his purchase was based on the understanding the easement would revert back to his ownership if the GID abandoned it.

In response to Member Schmidt, Petitioner Patnaude replied the pit was used for road maintenance, but he had not seen the GID work the pit in the last few years. He explained the fuel and oil spills were from the trucks, but the GID no longer stored fuel on site. He indicated he had a copy of the easement agreement with the original grant deed but did not have it with him. He stated the trigger for the easement reverting back to him was physical abandonment, and he needed to discuss with the GID its long-term plans. He agreed the pit's only detriment was the pit itself, because he no longer saw any equipment moving in or out. He explained he used the parcel once or twice a month to test fire guns because he was a gunsmith by trade.

Appraiser Gonzalez 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 Gonzalez reiterated there was a negative 10 percent adjustment applied to the property for the pit. He indicated the property fronted Ironwood Road, which was well-maintained dirt; and there was power that ran halfway across the southern portion of the parcel and along 75 percent of the eastern side. Mr. Patnaude interjected the road and power were not his.

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

In response to Member Green, Appraiser Gonzalez verified the subject property could be subdivided into 40-acre parcels.

Vice Chair McAlinden noted the Petitioner received a 10 percent credit for the topography. Appraiser Gonzalez discussed the reduction and the topography on LS-1.

Member Schmidt stated this area had a base value of \$195,000 and the Board had dealt earlier with base values of \$350,000, and he asked where the demarcation was. Appraiser Gonzalez said he did not know where it was. He explained Palomino Valley was divided into five areas. He reappraised the area where the Petitioner's property was, which was considered the flattest portion of the Palomino Valley; and he discussed the other areas. He indicated there could be topography issues within a parcel as long as there was a flat area to build on. Member Schmidt explained his reason for wanting to know the base values in the other areas. Assessor Gonzalez said he was not aware of any issues in this area other than topography that would be more detrimental than those in other areas.

Member Schmidt asked if the pit reduction was only for loss of use or did it take into account any negative aesthetic effects. Appraiser Gonzalez replied he did not find any reason to provide a reduction for negative aesthetic effects based on where the subject property could be accessed and its view at that location. He confirmed there was no storage of large amounts of gravel outside the pit. Member Schmidt asked how much of the 15 acres the pit took up. Petitioner Patnaude replied except for one little corner by Ironwood Road, the pit used the whole 15 acres and actually exceeded it. He said it was 20 to 25 feet deep.

In response to Member Green, Appraiser Gonzalez said the property was approximately 2 to 2.5 miles from the Pyramid Highway. He said the power company had indicated the property owner had access to power as long as the power line ran along the property line.

Appraiser Gonzalez discussed Exhibit A. He said the average sales price for the comparables was \$216,000 and the median sales price was \$195,000, which was the same as the subject property. He stated the median parcel size for the lots sold was 44.41 acres. He indicated the subject property was still well above the median lot size of the parcels the Petitioner had presented, while his taxable value was the same.

In rebuttal, Petitioner Patnaude said the 147-acre property sold for \$75,000, which was a long way from \$200,000; and he discussed the sales price versus acreage on other parcels. He noted the Assessor's Office had no record of his going before the Board in 1981 or of the change in parcel numbers in 2001. He felt everyone's time was being wasted because the Assessor's Office did not keep records.

The Vice Chair closed the hearing.

Member Covert felt there was no reason to change the Assessor's valuation.

Member Schmidt was concerned the base value was too low, and he suggested the Board look at Palomino Valley base values. He discussed why he could not support any adjustment.

Based on the evidence presented by the Petitioner and the Assessor's Office and the finding that land and improvements were valued correctly and the taxable value did not exceed full cash value, on motion by Member Green, seconded by Member Covert, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 42, Robert E. & Jintana Patnaude, APN 077-210-11, be upheld.

CONSOLIDATION OF HEARINGS

In response to Vice Chair McAlinden, Nancy Parent, Chief Deputy Clerk, replied she had not received an e-mailed video presentation from Steven Lux, Hearing No. 50.

Vice Chair McAlinden moved to consolidate Hearing Nos. 1, 61, 589, 49, 22, 50, 41, 11, 23, and 587. Member Covert seconded the motion.

Member Schmidt opposed consolidating the hearings because there was evidence before the Board and there was no obligation for a Petitioner to be present to have a hearing. He felt the petitions had to be considered and the evidence given full consideration and not to do so would be a violation of due process. He suggested continuing the aforementioned hearings until all of the Petitioners present were heard. John Bartlett, Legal Counsel, agreed that the petitions should be heard individually.

Member Covert withdrew his second, and Vice Chair McAlinden withdrew her motion.

On motion by Member Krolick, seconded by Vice Chair McAlinden, which motion duly carried, it was ordered that Hearing Nos. 1, 61, 589, 49, 22, 50, 41, 11, 23, and 587 be moved to the end of today's hearings.

In response to Vice Chair McAlinden, Ms. Parent replied there were Petitioners present from the 1:30 p.m. block. Vice Chair McAlinden asked that those Petitioners be called first.

07-43E HEARING NOS. 603A THROUGH 603Q, 594 & 595 – PEAVINE PINES LLC, TRENT AVERETT & RJB DEVELOPMENT CO.

Petitions for Review of Assessed Valuation were received from Trent Averett, President of Peavine Pines LLC, protesting the taxable valuation on land located on the southern and southwestern flanks of Peavine Mountain above the developments of Somerset, Mogul and Verdi, Washoe County, Nevada. The properties were zoned GR and designated vacant, single family.

Petitioner Trent Averett, President of Peavine Pines LLC, was sworn. He indicated he did not object to the hearings being consolidated.

On motion by Member Krolick, seconded by Member Covert, which motion duly carried, Vice Chair McAlinden ordered that Hearing Nos. 603A-603Q, 594, and 595 be consolidated.

Ken Johns, Appraiser I, duly sworn, oriented the Board as to the location of the subject properties and submitted the following documents into evidence for Hearing Nos. 603A-603Q, 594, and 595:

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

Exhibit II, Map.

Petitioner Averett stated the access that he believed existed when he began acquiring the properties in November 2003 was being disputed today. He attributed the access being eliminated to the City of Reno approving the Somerset Development land plan that did not perpetuate access to the north, which was also an issue with his neighboring developments. He said he had made that concern known to the City of Reno Planning Commission and to the Reno City Council.

Petitioner Averett said all of his property was constrained with slopes over 35 percent and with cover at approximately 65 percent. He said the comparable sales mostly were sales to him. He stated only one sale occurred in December 2005 and there were none since then.

Petitioner Averett submitted the following documents into evidence:

Exhibit A, Maps of the Truckee Meadows Service Area (TMSA).

Petitioner Averett stated the value of his properties should not increase because of being excluded from the TMSA boundary, lack of access, and constraints.

In response to Member Covert, Petitioner Averett confirmed he bought 700 acres to develop.

Appraiser Johns explained the yellow blocks on the large map, Exhibit II, were comparable sales and the orange blocks were properties owned by the Petitioner. He confirmed some of the Petitioner's properties were used as comparable sales. He stated a lot of sales data was available when the properties were being analyzed. He explained the analysis showed the values of the property in open market sales dropped as the analysis went up the mountain because of steeper topography, higher elevation, more difficult access, and a greater distance from infrastructure. He stated properties with the exact opposite traits lower on the mountain went for \$2,500 an acre. Appraiser Johns said there were no sales in the \$2,000 range, but there were two sales in the \$1,500 range, which allowed extrapolation that \$2,000 an acre would be a good value between \$2,500 and \$1,500. Assessor Johns discussed the two sales that were not the Petitioner's, which established the \$1,000 band and why the two parcels owned by the Petitioner in the \$1,000 band did not fall into that range. He said the Assessor's Office was recommending Hearing Nos. 603M and 603N be reduced to equalize with other parcels in the vicinity and the value be upheld for the remaining parcels.

In response to Member Covert, Appraiser Johns replied the values were reduced from last year to equalize the subject parcels with the surrounding parcels.

In response to Member Green, Appraiser Johns felt power for a single-family home could be obtained, but the price would be prohibitive. He believed the United States Forest Service handled fire service because of the proximity to federal lands.

In response to Member Schmidt, Petitioner Averett indicated the parcels were appealed to the County Board of Equalization (BOE) two years ago. He said they were not appealed to the State BOE.

In response to Member Krolick, Petitioner Averett replied there was a graded tower access road that went to Stead, which was not legal access. He said he believed the County had identified the road as a presumed public road, but he did not believe it met fire standards because the grade of the road was too steep in some locations.

In rebuttal, Petitioner Averett said the 2002 TMSA plan was not public knowledge until recently, and it was not public information when he made his purchases in 2003. He understood if a property was outside the TMSA boundaries it could not get sewer or water service. He noted he purchased all of the properties used as comparables. He indicated sales on Peavine Mountain were frozen because of TMSA boundary and access issues, which he felt was corroborated by the lack of sales in 2006.

In response to Member Covert, Petitioner Averett said the two properties he bought were arms-length transactions.

Vice Chair McAlinden said the County provided sewer and water in some areas, and she asked if the Petitioner had been told he would get nothing. Petitioner Averett said no one would talk to him, but that was his understanding from looking at the TMSA boundary. He said he requested his TMSA application be continued to April because it was apparent that everyone was going to vote against the application. He stated he was trying to work with everyone to provide something of value to the community, but he could not afford the taxes in the meantime. He indicated he wanted his land value reduced. Member Covert said he needed a specific amount.

Petitioner Averett stated he was thankful he went through this process because the Assessor's Office found an error on two of the parcels.

Member Krolick said Hearing 603I appeared to be an anomaly where the sales price was less than the current taxable value. Appraiser Johns explained the appellant purchased 15 parcels in 2004 for \$320,000, which were not used as comparables because there was no way to determine what value should be attributed to each of the parcels.

Appraiser Johns discussed the creation of the TRPA by the Nevada Legislature in 2002. He felt a prudent buyer doing due diligence in advance of a purchase would have discovered TRPA's creation.

The Vice Chair closed the hearing.

Member Green pondered what the Petitioner knew that would have prompted him to make such a large investment of really steep undeveloped land on Peavine Mountain. He said any development there would be far in the future.

Member Schmidt stated the Petitioner was not in control of his own fate and was in a substantial political vise because of the appetite to make this area public land. He further discussed the development challenges and that he felt the land had substantial trading value, which would limit the amount of any additional reduction he would consider.

Member Covert stated developers took risks and should be prepared for the consequences, which was why he could not support any further reductions. Member Krolick agreed. Vice Chair McAlinden said the Petitioner should have done his homework prior to making the purchases, which was why she could not support any further reductions. Member Schmidt said he would support not making any further reductions, and he explained his views regarding the concept that a purchaser took risks when buying property.

Based on the evidence presented by the Petitioner and the Assessor's Office, on motion by Member Covert, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's recommendation be upheld as follows:

Hearing No.	Parcel No.	Assessor's Recommendation
603A	081-170-03	Uphold taxable value of the land
603B	081-170-04	Uphold taxable value of the land
603C	081-170-05	Uphold taxable value of the land
603D	081-170-06	Uphold taxable value of the land
603E	081-170-07	Uphold taxable value of the land
603F	081-170-08	Uphold taxable value of the land
603G	081-160-01	Uphold taxable value of the land
603H	081-160-23	Uphold taxable value of the land
603I	081-160-25	Uphold taxable value of the land
603J	081-150-08	Uphold taxable value of the land
603K	081-150-06	Uphold taxable value of the land
603L	081-150-05	Uphold taxable value of the land
603M	081-150-11	Reduce taxable value of the land from \$50,200 to \$40,120
603N	081-150-12	Reduce taxable value of the land from \$50,200 to \$40,130
603O	081-150-01	Uphold taxable value of the land
603P	081-150-16	Uphold taxable value of the land
603Q	081-150-17	Uphold taxable value of the land
594	081-160-12	Uphold taxable value of the land
595	081-170-02	Uphold taxable value of the land

The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

**07-44E HEARING NO. 9 – SHAW, JAMES W ETAL TR –
PARCEL NO. 150-141-03**

A petition for Review of Assessed Valuation was received from James W. Shaw Etal TR protesting the taxable valuation on land and improvements located at 14225 Prairie Flower Court, Reno, Washoe County, Nevada. The property was zoned LDS and designated single-family residence.

Ken Johns, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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.

James Shaw, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, Petitioner's evidence packet.

Exhibit B, Roan Trail comparable.

Exhibit C, 29 Bennington Court comparable.

Petitioner Shaw discussed his previous assessments and his opinion that the Assessor's Office followed the budget. He stated he conducted a web search on his property in May 2006 and found from then to January 2007 the property went down \$42,000. He said his latest search indicated the property went up from \$832,000 to \$840,000, which was still a decrease of \$36,000 from a year ago. He said in spite of this, the Assessor's Office increased his overall assessed value. He stated he could not see how that could be justified when everyone in the County knew property values had gone down substantially last year. Petitioner Shaw stated the Assessor's Office felt what was done was proper, but he did not accept that explanation. He discussed his comparables, which showed the market was down. He said the overall value of his property was what concerned him, which went down about 4 percent. He felt his taxes should be reduced accordingly and not raised.

In response to Member Covert, Petitioner Shaw confirmed he would not sell the property for less than \$470,000.

Member Green commented the house value went down because it depreciated each year. He said the increase in the land factor was based on comparable sales. Petitioner Shaw replied that was explained to him. He said the math put the land value at \$390,000, but a realtor calculated the value of the lot at \$300,000.

Member Green said the Assessor's Office had the Petitioner's land valued at \$139,000 with an assessed value of \$48,773 and an assessed value on the house of \$116,000 for a total assessed value of \$164,773.

Petitioner Shaw explained he felt the system of using last year's values was wrong and that this year's values should be used. A discussion ensued about where the market was heading.

Member Schmidt stated one way the land value could have gone up in a soft market was because it was significantly undervalued. He discussed the factor and how it applied to the Petitioner's property. He said the Petitioner's opportunity for relief on the land was to argue for equalization, and he discussed depreciation.

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

In response to Vice Chair McAlinden, Appraiser Johns said fluctuations in the real estate market would be addressed during the next reappraisal by looking at market comparable sales to make adjustments for the land value. He explained statutorily mandated Marshall & Swift was used to determine the improvement values and the property was last reappraised in 2002.

After further discussion by Member Schmidt regarding the factor, Appraiser Johns explained the factor was applied during the four years between

reappraisals, which was one size fits all. He felt the Assessor's Office was generally lagging the market instead of being in advance of it. He said the Assessor's Office had run recent comparables on the Saddlehorn Subdivision and found it was appreciating. Member Schmidt encouraged the Assessor's Office to move to instituting a once a year reappraisal.

In rebuttal, Petitioner Shaw asserted the Saddlehorn Subdivision had decreased in market value over the last year. Member Covert stated market value was not directly connected to assessed value as long as the assessed value was below market or the cash value of the property.

The Vice Chair closed the hearing.

Based on the evidence presented by the Petitioner and the Assessor's Office and the finding that land and improvements were valued correctly and the total taxable value did not exceed full cash value, on motion by Member Green, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal on Hearing No. 9, James W. Shaw, APN 150-141-03, be upheld.

3:57 p.m. The Board took a brief recess.

4:05 p.m. The Board reconvened with all members present.

07-45E **HEARING NO. 10, 10S06 – REDDY, RAJAS KARA L & S L TR–
PARCEL NO. 152-662-02**

A petition for Review of Assessed Valuation received from Rajasekara L. & S. L. Reddy TR, protesting the taxable valuation on improvements located at 6182 N. Featherstone Circle, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned HDR and designated single-family residence.

Steve Clement, Appraiser II, duly sworn, oriented the Board as to the location of the subject property and submitted the following documents into evidence:

Exhibit IA, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9 for Hearing No. 10.

Exhibit IB, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9 for Hearing No. 10S06.

Exhibit II, Special Features and Yard Items for Hearing Nos. 10 and 10S06.

Rajasekara Reddy, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, data from the Washoe County Treasurer's Office on neighboring properties.

Petitioner Reddy said he had just received a copy of the Assessor's packets, and he had some questions regarding the square footage of his house, the 2007 trend 1.181 shown on the High Value Residential Appraisal Form, and the dollar value attributed to special features and yard items on Line 22. He indicated he did not understand the assessed value of the property versus construction costs, the FW Pavers notation on the Appraisal Record, why the building value increased for 2007 after depreciation should have started, and the method by which the property was appraised. He also questioned the application of the 3.126 factor regarding his neighbors' properties.

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

In response to Member Krolick, Appraiser Clement said the difference in the land value between IS-1 and the subject property was IS-1 had slightly more frontage on the golf course. He explained it would be difficult to make an adjustment for an earthquake fault line if it was not proven in the sales.

Appraiser Clement explained square footage was calculated from the house plans, but rounding done by the software could account for the difference. He commented messages were left for the Reddy's on December 27th, January 2nd, and January 16th and those calls were never returned. Petitioner Reddy replied he only had one voice mail from Appraiser Clement, which his wife erased. He reiterated he had just received the Assessor's packet, and he had no idea how they came up with the costs. He stated the comparables were all from 2004/05 when the market was very hot. He felt the Assessor's Office should have used what it cost him to build the house as the sales price.

Ron Sauer, Senior Appraiser, suggested the Board go to another hearing to give Appraiser Clement an opportunity to answer Petitioner Reddy's questions. Mr. Reddy agreed with that suggestion. A discussion ensued regarding costs.

On motion by Member Schmidt, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that Hearing Nos. 10 and 10S06 be continued for approximately 30 minutes.

07-46E HEARING NO. 8, 8FV05, 8R06 – KALTMAN, PETER G & VALERIE J – PARCEL NO. 156-062-09

A petition for Review of Assessed Valuation received from Peter G. & Valerie J. Kaltman, protesting the taxable valuation on improvements located at 228 S. Earlham Court, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned Multi and designated single-family residence.

In response to Vice Chair McAlinden, John Bartlett, Legal Counsel, stated the Board did not have jurisdiction to conduct a hearing on a final value according to Nevada Revised Statute (NRS) 361.357.

Member Schmidt commented there were ways for the Board to go back three years, and he requested the Board hear the Petitioner's argument. Mr. Bartlett stated the general rule was the Board could not hear any tax year other than the current year. He said the only exception he was aware of were remands from the State Board of Equalization or to reopen the rolls to correct clerical errors.

Peter Kaltman, Petitioner, was duly sworn. He stated his request for a hearing on the 2005 tax year related to clerical calculations and a quality class that were incorrect. He indicated he did not file an appeal for the 2005 tax year, and he discussed the history of his issues and contacts with the Assessor's Office. He felt his documentation would show why he was here.

Member Schmidt indicated he did not believe the quality class could be reopened. Mr. Bartlett agreed the Board could not hear the quality class issue. He suggested the Board hear the Petitioner's arguments so he could advise the Board on how to proceed. Member Schmidt suggested consolidating Hearing Nos. 8 and 8R06 because it sounded like going back to 2005/04/03 would make a case for 2007 even though relief could not be granted for those years.

On motion by Member Schmidt, seconded by Member Covert, which motion duly carried, Vice Chair McAlinden ordered that Hearing Nos. 8 and 8R06 be consolidated.

Member Covert disclosed he lived in the same subdivision as the Petitioner, but he did not know him. Mr. Bartlett felt there was no conflict.

Gail Vice, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and submitted the following documents into evidence:

Exhibit IA, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 7, for Hearing 8.

Exhibit IB, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 7, for Hearing 8R06.

Exhibit II, Pool Photo.

Petitioner Kaltman submitted the following documents into evidence for Hearing Nos. 8 and 8R06:

Exhibit A and B, Photos of butter purchased at different prices.

Exhibit C and D, Photos of peanut butter purchased at different prices.

Exhibit E and F, Photos of orange juice purchased at different prices.

Exhibit G, Taxpayer Rights and Calculable Errors.

Exhibit H, Petitioner calculations and e-mails to Gail Vice.

Exhibit I, Footprint of 228 S. Earlham Court.

Exhibit J, Estates at Mt. Rose, Phase I.

Exhibit K, Photo of fence.

Exhibit L, Photo of fireplace with painting of young girl above.

Exhibit M, Additional fireplace photos.

Petitioner Kaltman stated how objective he felt the appraisal process was and how unhappy he was regarding his communications with the Assessor's Office. He described those communications starting with receipt of a card in July 2005 revising his home's appraisal, which he was told was based on the final inspection of the house. At that time, he was told complaining would be fruitless. In June 2006, he found his home's base increased significantly. He conducted further research and found better-built homes had a much lower base and Reynen & Bardis homes had a 4.5 quality class where his was 6.0. He did a complete comparison of the interior and exterior components between the homes and found the components in the Reynen & Bardis homes were the same or better than those in his home. He recited an extensive list of items he compared. He said the differences did not amount to any material cost savings or expense.

Petitioner Kaltman detailed his contacts with Appraiser Vice in the Assessor's Office and the subsequent physical inspection of his home, which concluded with no change in his quality class because Reynen & Bardis was a track development. He discussed the building options available in both instances, why he bought in St. James Village, and the quality of his home's construction.

Petitioner Kaltman discussed the lack of availability by the public to a current edition of the Marshall & Swift Residential Costing manual. He said after obtaining a copy of the manual, he found it did not mention track homes. He stated it did mention there were usually cost savings in quantity construction, which he addressed. He stated the perception that quality was what looked good was bunk, and he discussed what was important in the construction of a home. He said the quality was not better just because a lot was paid for a house, and he provided Exhibits A-F as being perfect examples of how too much can be paid for something.

Nancy Parent, Chief Deputy Clerk, asked if the Petitioner had a copy of what he was reading to turn in for the record. Petitioner Kaltman replied he did not because he was changing it as he went.

Petitioner Kaltman stated his Washoe County Appraisal Residential Record Card contained many errors. He detailed those errors and the errors contained on the cards for other homes in his block. He said taxpayers were not given the complete appraisal card and there was no notice of what was taxable. He outlined what he felt should be done annually to improve the situation. He discussed his appeal history and why he felt he was having problems. He detailed the problems he had with his home since it was built, and his belief that a quality home would not have those problems.

Petitioner Kaltman said he had issues with the application of a uniform and equal rate of assessment required by Article 10 of the Nevada Constitution and the lack of property tax information available on the Assessor's web site as required by NRS

361, Section 1. He stated NRS 361.420 allowed payment of taxes under protest, which he had been doing since he found the inconsistencies; and he discussed additional items missing from the County's Record Cards.

Petitioner Kaltman discussed Exhibit G, Taxpayer's Rights, where he detailed his conversations and correspondence with Appraiser Vice and how he had been denied those rights. He indicated what the results of those contacts were as shown in Exhibit H and that he had asked Appraiser Vice to make sure he was present when she came out to his house to re-measure, which she ignored. He discussed Exhibit K as an example that everything in his house was to code and basic at best.

Vice Chair McAlinden reminded the Petitioner that the Board did not deal with costs but only with the completed structure. Petitioner Kaltman said he understood, but if the description of the item was not accurate when referring to Marshall & Swift that could make an enormous difference; and he provided an example using his fireplaces. He provided additional examples of items where he felt Appraiser Vice was wrong. He stated the Assessor's Office refused to look at the homes he used as comparables.

Based on the testimony thus far, Mr. Bartlett said he did not see any basis for reopening any prior year. He stated the Board should only consider this taxable year. Petitioner Kaltman replied there were calculable errors. Mr. Bartlett stated they went to the issue on how the property was valued and were not simply clerical errors. He indicated the Petitioner could not get any relief under Statute for the clerical errors; and, under NRS 361.310, the Petitioner could only obtain relief on the current year. Petitioner Kaltman stated that was not the case according to Appraiser Vice, who indicated she would help him fill out the application for 2005/06 when she made the decision there was a mistake in the quality class.

Member Covert stated the Board would follow the instructions of its Counsel, and the Petitioner could take advantage of the appeal process if he disagreed. Petitioner Kaltman apologized for wasting the Board's time with this issue, which he had been trying to get resolved since July of last year; and he expressed his frustration.

Member Schmidt stated he felt it was appropriate to address the reopen, which was exclusive to the swimming pool. Vice Chair McAlinden confirmed Hearing No. 8FV05 could not be heard because it was a final value but the Board could address Hearing Nos. 8 and 8SR06.

Petitioner Kaltman stated he needed the swimming pool for therapy for his arthritis. He had provided Appraiser Vice with a letter from his doctor and a letter from Social Security indicating he was classified as disabled, but heard nothing since the initial contact in August 2006. He stated he had an issue with the size attributed to the pool by the Assessor's Office, and he discussed the cost information supplied to the Assessor's Office.

In response to Member Green, Petitioner Kaltman said a permit was pulled that showed the cost of the pool, but Appraiser Vice increased it to \$40,000. He discussed how Marshall & Swift determined the cost for pools, what his pool had, and its depth. He said he did not see any indication that excavation values were different for different areas of the country.

Member Schmidt asked if there were any improvements to the pool to accommodate the Petitioner's disability. Petitioner Kaltman replied rails were required by law and there was just a small rail to assist in his accessing the pool. Member Schmidt commented there was a provision under NRS 361.087 that stated improvements made for the reasonable accommodation made for the comfort, convenience, and safety of persons with a disability were not subject to taxation.

Petitioner Kaltman felt the items should be adjusted if they were the result of a clerical error, and the Board was denying him for 2006 by limiting it to the pool when Appraiser Vice said yes. Member Schmidt said that was the only authority the Board had under NRS 361.310.

As shown in Exhibit H, Old vs. Revised vs. Should Be, Petitioner Kaltman accepted Appraiser Vice's revised figures for yard improvements, asphalt, and septic. He said the pool was subject to an exemption. Member Schmidt commented that was subject to interpretation. Petitioner Kaltman indicated what the wall measurement should be, and he explained all of the incorrect measurements.

Appraiser Vice said she did a walkthrough of the Petitioner's home and had also walked though many Reynen & Bardis homes having different features. She stated the Reynen & Bardis homes were currently a 4.5 quality class, but would be raised to 5.0 during the reappraisal.

In response to Member Schmidt, Appraiser Vice felt the Petitioner had the right to appeal on a reopen for that year. She said it was recommended the quality class for both 2006/07 and 2007/08 be adjusted to 5.5 but it would be upheld on Hearing No. 8 for 2007/08, because it was already adjusted to a 5.5. She explained why things could get missed, which was why properties were physically re-inspected every five years.

Appraiser Vice said the comparables were provided from St. James Village because the Reynen & Bardis homes were tract development homes. She stated the Petitioner purchased his house in October 2004 for \$1,025,000 or \$294 a square foot, which was prior to installing the pool, fencing, asphalt driveway, and a lot of the landscaping. She said the property was well under market at \$203 a square foot. She reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value. She said she inquired about the pool issue and was told the State had an issue with it in the past because certain criteria had to be met, and she showed Exhibit II, a photo of the pool. She was not sure a medical exemption for 12 months would apply since St. James had snow during the winter.

Appraiser Vice said the Petitioner's home was considered semi-custom and she explained the differences between a quality class of 5.0 and 6.0. She reiterated 5.5 was indicative of the Petitioner's property.

Appraiser Vice explained the computer system that input automatic cost codes on improvements. She said manual inputting could be done if there was a very unusual item. She stated the Petitioner's pool was automatically costed. She explained the advantage to that was automated costs were updated every year when they were recosted. She said she did a manual cost on his pool, which came out higher than the Marshall & Swift costs. Appraiser Vice addressed the costs on the permit and stated she had adjusted the record twice and the adjustments were forwarded to the Petitioner. She said the fireplace was another automatic cost, which was based on the quality class. She indicated land value was not an issue and was supported by the three comparables. She recommended the value determined by the Assessor's Office be upheld.

Mr. Bartlett explained the rolls closed on January 1st of each year and reopened for any changes enumerated in NRS 361.310, Subsection 2, to correct assessments based on a mathematical, typographical, or clerical error or to correct over assessments because of a factual error in existing size, quantity, age, use, zoning, legal, or physical restrictions. He said the taxpayer could petition any of those changes that took place after the roll closed and reopened for that year or for the subsequent taxable year as long as the petition was filed by January 15th of the subsequent year. He stated that covered any changes between January 1st and July 1st. Mr. Bartlett said the Appraiser testified that she took into account issues raised by the taxpayer because of the opinion they fit into one of those categories. Appraiser Vice verified it was a reopen because of new construction and an error was found.

Member Schmidt commented on the fireplaces automatically being based on the quality class. He felt it would be a factual error if the property did not have that quality fireplace. He stated it might mean the quality class was in error if there were a substantial amount of items that were substandard for that quality class, and he felt that was getting close to being the case here.

In response to Vice Chair McAlinden, Petitioner Kaltman indicated he would drop Hearing No. 8FV05.

Member Schmidt discussed the problems he had with the quality class argument in a tract home versus a custom-built home. Regarding the pool, he clarified that only the features designed to accommodate someone who was disabled were exempt.

Appraiser Vice said the same comparables were used for Hearing No. 8R06. She stated the recommendation was to reduce the improvements to \$569,238 and leave the land the same for a total taxable value of \$690,414, a total assessed value of \$241,645 at \$198 a square foot; and \$203 a square foot the next year with everything being the same.

Appraiser Vice stated none of the comparables had asked for a quality class adjustment. She indicated comparables were inspected when working building permits. Petitioner Kaltman asked if only the information obtained from the Assessor's Office database was being relied upon, which might not be correct, complete, or thorough. Appraiser Vice said when a building permit was received an appraiser would go out and work it. She indicated a house could be under construction and might not be put on the roll at 100 percent for that year. She indicated appraisers try to walk through a custom home when it was close to being completed or at least 70 to 80 percent completed. She said at that point it could be hard to see what was in the house and appraisers do not get into every single house. She was comfortable with the equality issue because she had done most of the properties.

Petitioner Kaltman felt the Board should not accept the comparables because the taxpayer never tested them. He indicated most taxpayers were not aware what was on their Washoe County Appraisal Record Card. He said the information provided by the County was incomplete and was not fair or balanced.

Member Green stated the comparables sold in excess of the amount for which the Petitioner's property was appraised. He felt taxes would go way up if the Assessor's Office had to look at each comparable. He said the marketplace was the best determination of value and that was what was relied upon. He stated the Board had to deal with comparable sales, and he felt the comparables were very good.

Petitioner Kaltman disagreed. He stated the appraiser refused to go into the Reynen & Bardis homes with him, and he had hundreds of pictures showing the issues he was discussing. He reiterated the process was unfair, and the Assessor's Office was responsible when they made a mistake. He discussed how his house was built and that the \$150,000 plus paid to the builder was irrelevant to the building costs.

After further discussion on appropriate comparables and quality classes, Member Green asked Legal Counsel how value was established. Mr. Bartlett replied NRS 361.227 stated real property was valued at full cash value and improvements were valued at replacement costs less depreciation. To achieve equality in the way improvements were valued, he said the Nevada Tax Commission had adopted regulations to establish Marshall & Swift as the guide to determine the replacement costs of improvements to real property. Mr. Bartlett indicated another way to test whether an improved property was improperly valued was to determine whether or not its taxable value exceeded its full cash value. He said if it did not, the presumption was it was properly valued.

Member Schmidt discussed the system being broken, and he encouraged Petitioner Kaltman to continue discussions with the new Assessor. He said he was partially convinced some additional relief should be granted, but he was not sure how the pool should be approached regarding the statutes. He said he would support the Assessor's recommended reductions or could put the quality class at 5.5 for 2006/07 and 5.0 for 2007/08. Regardless of what the Board does, he said the Petitioner could appeal to

the State BOE and the Assessor could come up with additional recommendations for reductions at the State level.

Member Covert said Reynen & Bardis did not have a strict architectural committee, which he felt did not make them comparable to the homes built in St. James Village. He said homes in St. James Village had to be designed and built to the standards of that committee. Petitioner Kaltman responded that might be true of the Village, but was not true for his home. He reiterated the quality of the home he bought was not what he was being assessed for because it was no different than the Reynen & Bardis homes.

Petitioner Kaltman summed up his arguments by stating the process was flawed and too subjective. He wanted his quality class reduced to 5.0 and his improvements reduced to \$66,160 based on his evidence of the Assessor's miscalculations. He wanted the 2004/05 values used instead of the current values. He asked the swimming pool be removed from his assessment because it was medically prescribed and did not increase the value of his property. He said his rights had been denied according to the Washoe County Taxpayer Bill of Rights, and he reiterated his reasons the comparables should not be admissible as evidence. He said once the base was corrected, application of the maximum annual 3 percent increase should be applied and any taxes overpaid should be refunded with interest. He stated if the County wanted to tax an improvement, it should be permitted and there should be penalties for noncompliance.

The Vice Chair closed the hearing.

Member Green said the total taxable value recommendation for the 2006 reopen was less than the price the Petitioner paid and less than the comparables. He felt the value was fair. Member Krolick and Vice Chair McAlinden agreed. Member Schmidt said he would support the Assessor for 2006/07.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation by the Assessor's Office, on motion by Member Green, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for total taxable value be reduced to \$690,414 for Hearing No. 8R06, Peter G. & Valerie J. Kaltman, APN 156-062-09. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

For Hearing No. 8, Member Green indicated he supported using the same taxable value as used for the 2006 appraisal, which would decrease the amount slightly. Member Krolick and Vice Chair McAlinden agreed.

Member Covert asked if the Board did nothing for 2007, what would the assessed value be. Appraiser Vice replied it would be \$702,979. Member Covert said he would not support any further adjustments based on \$702,979.

Member Schmidt said he would support a motion to accept the Assessor's recommendation but could also support a motion to reduce the quality class to 5.0 for one year. He said that would put the ball in the Assessor's court to justify a 5.5 for next year.

Vice Chair McAlinden said she could support the recommendation of \$702,979. Member Green said he was reluctant to change the quality class to 5.0 but could support \$702,979.

In response to Member Schmidt, Appraiser Vice said the \$4,282 adjustment was based on corrections she and the Petitioner agreed on.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Vice Chair McAlinden, seconded by Member Covert, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 8, Peter G. & Valerie J. Kaltman, APN 156-062-09, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Based on Nevada Revised Statute 361.357, on motion by Vice Chair McAlinden, seconded by Member Covert, which motion duly carried, it was ordered that Hearing No. 8FV05, Peter G. & Valerie J. Kaltman, APN 156-062-09, not be heard because of the Board's lack of jurisdiction.

**07-45E CONTINUATION – HEARING NO. 10, 10S06 – REDDY,
RAJASEKARA L & S L TR – PARCEL NO. 152-662-02**

Hearings Nos. 10 and 10S06 were reopened.

Appraiser Clement indicated the Assessor's Office would take a look at the square footage issue if the Petitioner would provide drawings of his home. He explained the computer program rounded up or down to the nearest foot, and the Assessor's Office measured from the outside of the home.

Appraiser Clement said no agreement was reached on the 18 percent adjustment trend for high-value properties from Marshall & Swift. He said the Assessor's Office would be willing to go over how the high-value properties were costed. He indicated everyone with a high-value property received the 18 percent factor on the improvements for 2007. He discussed the huge construction cost increases that were not reflected until the 2007 trend for the high-value homes.

In response to Member Schmidt, Appraiser Clement said Marshall & Swift geographically adjusted to this area. He said all of the computations were done through Marshall & Swift using the computer program; he indicated the quality class was assigned and then the property was costed from there.

In response to Member Green, Petitioner Reddy confirmed the purchase price included heating and air conditioning.

A discussion ensued regarding the escalating cost of pavers over the last few years.

Petitioner Reddy felt the 18 percent trend was not justified, but he could settle for 10 percent. He indicated the \$124,000 for yard items was exorbitant, and he asked the yard items be adjusted to \$100,000. He stated he only had two fireplaces.

Appraiser Clement restated all high-value homes had the 18.1 percent factor. He said rolling back the Petitioner's factor would create inequity for those homes.

In response to Member Schmidt, Appraiser Clement said the special features and yard items were additional features not included in the normal costing of a home.

Josh Wilson, Assessor, indicated the high-value book had not been republished since 2004. He said the Department of Taxation was aware the Assessor's Office was using the Marshall & Swift Trend Factors and applying them to the 2004 Exceptional Value Homes book, which determined the factor on the high-value residences. He said Clark County was doing the same and it was a common practice throughout the State. He explained the Assessor's Office was encouraging Marshall & Swift to republish the book or to provide an alternative to high-value costing.

In response to Member Green, Mr. Wilson replied there were local multipliers for each area throughout the State.

In response to Member Schmidt, Mr. Wilson said the dollar amount for the pavers were obtained from Marshall & Swift. He said the Assessor's Office typically went with the middle of the provided range.

Member Schmidt felt the Assessor's Office or this Board could make an adjustment within that range and still be within the law. Mr. Wilson replied it seemed reasonable to take the average.

In response to Member Covert, Mr. Wilson said an adjustment could be made for inferior quality.

Petitioner Reddy stated his home was revalued in the latter part of 2006, which would have taken care of any cost escalation.

Appraiser Clement said the three fireplaces were taken from the plans and during a 30 percent completion walkthrough, but they were unable to reach Petitioner Reddy to arrange a physical inspection. Petitioner Reddy said only two fireplaces were shown on the plans.

Member Schmidt said he was willing to adjust the fireplaces to two based on sworn testimony by the Petitioner, which could then be verified. Assessor Clement said he was willing to do a physical inspection. Member Schmidt stated that could not be done tonight, so he was willing to make the adjustment and the Assessor's Office could follow up later.

Petitioner Reddy indicated he had one direct-vent fireplace and one with a flue. Mr. Wilson said the adjustment would be \$4,226.

The Vice Chair closed the hearing.

Member Green disclosed he was a friend of Petitioner Reddy.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for improvements for Hearing No. 10S06, Rajasekara L. & S. L. Reddy TR, APN 152-662-02, be reduced by \$4,226 for a total taxable value of \$1,013,712. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value. It was noted the \$4,226 was the equivalent of one fireplace because the Petitioner testified he only had two fireplaces.

Member Covert said he was willing to make an adjustment for the fireplace of \$4,226, but not an adjustment of the 18 percent factor. Members Schmidt and Krolick agreed.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Schmidt, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for improvements for Hearing No. 10, Rajasekara L. & S. L. Reddy TR, APN 152-662-02, be reduced by \$4,226. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value. It was noted the \$4,226 was the equivalent of one fireplace because the Petitioner testified he only had two fireplaces.

7:07 p.m. The Board took a brief recess.

7:16 p.m. The Board reconvened with Member Schmidt temporarily absent.

07-47E **HEARING NO. 15 – DELMUE, AL L – PARCEL NO. 400-094-13**

A petition for Review of Assessed Valuation received from Al L. Delmue, protesting the taxable valuation on land located at 1350 Sandyhill Lane, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned SF4 and designated single-family residence.

7:17 p.m. Member Schmidt returned.

Mike Bozman, Appraiser III, duly sworn, oriented the Board as to the location of the subject property.

Al Delmue, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, Letter to the County Board of Equalization (BOE) dated February 22, 2007 with supporting documents.

Petitioner Delmue testified that he lived in Sage Point Unit 4, which was an island of homes surrounded to the east by the Mountain View Cemetery, to the south by the Silver Ridge multi-family apartments, to the west by more multi-family apartments, and to the north by I-80. He discussed the issues with Sage Point Unit 4 as detailed in Exhibit A, the letter to the BOE, and the gravel pit operation as outlined in an Exhibit A attachment. He displayed pictures from Exhibit A to highlight the magnitude of the pit's operation. He went through Exhibit A and discussed what the various attachments were. He concluded by asking the Board to lower his taxable land value to \$30,000 because the gravel pit operation had a detrimental effect on his property value.

Appraiser Bozman 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 Bozman located the subject property. He said there was no disputing a material processing facility was located behind the subject property, but restrictions had been placed on the facility against operating any closer than 200 yards from the property line. He stated there was a new restriction against crushing rock since the ReTRAC Project. He indicated he had observed the pit's operations four times at different times of the day and did not see any dust even though six or seven trucks were operating within the pit. He said the parcel with the pit was zoned industrial when the subdivision was built and was now within the City of Reno's Sphere of Influence (SOI).

Appraiser Bozman reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value. He further testified that Mike Kennedy, Washoe County Code Enforcement Officer, indicated the plans were to operate the pit for approximately 10 years, and Mr. Kennedy said it could not be shutdown because it was zoned industrial when the subdivision was built.

In response to Member Krolick, Appraiser Bozman indicated the pit started operating in 2002/03 during the ReTRAC Project.

In response to Vice Chair McAlinden, Appraiser Bozman said adjustments for the pit could not be made unless the comparable sales indicated an adjustment was needed. He stated all of that was taken into consideration when the area was revalued, and there was no indication the values were affected.

In response to Member Green, Appraiser Bozman said he did not see any indication there was an asphalt plant located on the parcel.

In rebuttal, Petitioner Delmue said there had not been any rock crushing during the ReTRAC Project, but a concrete batch plant was installed. He said he had a videotape of the noise, and he would like to play it for the Board. He called the Assessor's Office between October 23rd and November 17th and asked them to come out because the noise varied. Vice Chair McAlinden explained for the Board to watch the videotape, it would have to become an exhibit. Petitioner Delmue said he could not submit the videotape because it contained other things besides documenting the noise from the gravel pit. Member Covert stated under the industrial code classification noise could happen, and he did not see any need to view the videotape. He asked if the Petitioner knew about the industrial classification when he moved there. Petitioner Delmue said he did not. He indicated at that time there was minimal activity. He said the developer represented the site would eventually be used for graves. He said what brought everything to light was when the Special Use Permit was issued to Granite Construction for the gravel pit operation, which he felt was not licensed properly.

In rebuttal, Petitioner Delmue stated some of the comparable sales were made when available homes were scarce and developers had large waiting lists, which he felt distorted the comparables.

In response to Member Green, Petitioner Delmue replied he did not appeal in 2005 because the permit for the gravel pit was supposed to expire. He believed the sale in May 2005 was to a relative. Member Covert asked if the Petitioner had any positive evidence that it was not an arms-length transaction. Petitioner Delmue responded only statements he heard made by the owner.

In response to Member Schmidt, Petitioner Delmue indicated the reduction in 2004 was by a decision of the County BOE. He mentioned newspaper articles indicated area home prices had dropped 36.1 percent and were still dropping, which he felt would affect his area more than anywhere else.

In response to Member Covert, Petitioner Delmue felt he could sell his house for more than the current taxable value. Member Covert explained if the taxable value was below the full cash value there had to be extenuating circumstances to get a reduction.

The Vice Chair closed the hearing.

Member Krolick stated the sales data did not support reducing the land value.

Member Schmidt noted there was a 5 percent downward adjustment for inferior size. He felt most of the concerns of the Petitioner were political in nature and did not translate to the authority of this Board, but he felt a downward adjustment for the proximity to the pit could be justified.

Member Krolick said if there were sales in the development that supported the Petitioner's issues he could come back next year. Member Schmidt agreed and stated if there was evidence of other adjustments in the neighborhood, he would be more inclined to support an adjustment.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Member Krolick, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 15, Al L. Delmue, APN 400-094-13, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-48E HEARING NO. 40 – CAPURRO, C RICHARD & DOROTHEA –
PARCEL NO. 514-422-01

A petition for Review of Assessed Valuation received from C. Richard & Dorothea Capurro, protesting the taxable valuation on land located at 4280 Desert Highlands Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned PD and designated single-family residence.

Michael Gonzalez, Appraiser II, duly sworn, oriented the Board as to the location of the subject property and submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1-9.

Richard Capurro, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, Letter to County Board of Equalization (BOE) dated January 4, 2007 with attached photos 1-7.

Petitioner Capurro testified that he was only appealing the land value based on the information contained in his letter to the BOE, Exhibit A. He addressed the photos, which he felt showed he lacked a city view. He compared his property to that of a previous Petitioner who had a custom home on an acre lot in an upscale neighborhood valued at \$189,000, while his home was semi-custom on a .2 acre lot valued at \$204,600.

He asked that the land's taxable value be reduced to \$100,000 or the view changed to a mountain view.

Appraiser Gonzalez reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value. He stated the Petitioner felt the view was arbitrary, but it was not because a compared sales analysis was done. He explained homes built by the same builder in the same neighborhood with and without views were compared to determine the difference in value. He said the difference in the compared sales analysis was \$76,605 for view lots. He stated the proposed homes behind the subject property might mean a loss of view at which time the view adjustment could be removed.

In response to Member Schmidt, Appraiser Gonzalez stated the base value was \$132,000.

After further discussion of the views between the comparables and the subject property, Appraiser Gonzalez indicated there was no difference between sales in the compared sales analysis. He said he could have created an adjustment for a partial city view versus a full city view but there was not enough data to differentiate that.

Member Green felt there was a difference in views shown in the sales prices of IS-1, IS-2, and IS-3. He asked if the 55 percent view added to the value of the subject property was fair. Appraiser Gonzalez felt the appraisal was fair for that view.

In rebuttal, Petitioner Capurro said the evaluation done by the Assessor's Office was done during the height of sales. He stated IS-1 and IS-3 were newer homes that blocked his view. He said those homes would never have any homes built below them. He indicated in 2002 the lot was valued at \$63,000 and four years later it was valued at \$204,000. He discussed sales, which showed prices were dropping; and he hoped views were not moving toward the use of filtered view categories as they had at Lake Tahoe.

In response to Member Covert, Petitioner Capurro stated he wanted his view reduced to the 15 percent mountain-view category because the house no longer had the view it used to have.

Member Krolick said in comparison to other taxable values, the total taxable value of the subject property was very close to full cash value. Josh Wilson, Assessor, replied this area had just been reappraised, which typically brought the two values closer. He said more statistical analysis was being used for areas that do not have land sales. He stated it was determined that allocation was an appropriate method to allocate a certain portion of an improved sales price to the land to arrive at an estimate of the value. He said he understood the Petitioner's concerns. He indicated Area 5 would be reappraised again next year and the same 18-month period would be moved forward, which would reflect any downturn in the market.

Mr. Wilson said the new regulations where it said, “verifiable market evidence,” needed clarification as to whether a low and a high could be used with stratification in between or whether no data meant there would be no interim adjustment.

Member Krolick said the data coming from the Assessor’s Office was much more useful and easier to understand then it was two years ago.

Member Covert commented on petitioners requesting their house be reappraised lower, even though it was still below cash value, because the market had dropped. He suspected two years ago no one came in and said their value should be increased because of the run up in the real-estate market. He felt if the County did annual reappraisals, properties would be much closer to the current market value. Mr. Wilson said by Statute, the Assessor’s Office was required to use sales a year in arrears, and July 1, 2006 was the most current sales that could be used for valuation purposes.

Member Green felt the total value of the subject property was in-line with the comparables. Member Krolick and Vice Chair McAlinden agreed. Member Schmidt also agreed, but could support adjusting the subject property to the 15 percent non-city view.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor’s Office and the Petitioner, on motion by Vice Chair McAlinden, seconded by Member Krolick, which motion duly carried with Member Schmidt voting “no,” it was ordered that the Assessor’s appraisal for Hearing No. 40, C. Richard & Dorothea Capurro, APN 514-422-01, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Petitioner Capurro complained about the amount of time he had to wait before his hearing. Vice Chair McAlinden indicated each petitioner, and the Assessor’s Office, had to have sufficient time to present their evidence and there was no time limit.

**07-49E HEARING NOS. 36, 36FV06 – CHAFFER, E. ROY & DONNA R –
PARCEL NO. 522-311-01**

A petition for Review of Assessed Valuation received from E. Roy & Donna R. Chaffer, protesting the taxable valuation on land and improvements located at 7497 General Thatcher Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned NUD and designated single-family residence.

Vice Chair McAlinden said Hearing No. 36FV06 could not be heard by the County Board of Equalization per Statute.

Based on Nevada Revised Statute 361.357, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that

Hearing No. 36FV06, E. Roy & Donna R. Chaffer, APN 523-311-01, not be heard because of the Board's lack of jurisdiction.

Mike Churchfield, Appraiser I, duly sworn, oriented the Board as to the location of subject property.

Roy Chaffer, Petitioner, was duly sworn and submitted the following documents into evidence:

Exhibit A, Appraisal report for 7497 General Thatcher Drive.

Petitioner Chaffer testified he was contesting the land value because it increased 124 percent. He said LS-1, which was the most comparable property, was from June 2005. He stated between June 2005 and June 2006 there was a drop in Wingfield Springs lot prices; and, in some cases, a further drop of 20 percent from June 2006 to the present. He said he had an appraisal done in December 2006, Exhibit A, which indicated a land value of \$135,000. He understood that was low, but the only increase in the base value was due to lot size. He stated the LS-1 comparable was on a court, while his property was at the intersection of two busy streets. He felt taking into account the drop in property values, it would take 4-5 years to approach land values of \$220,000. He indicated LS-1 was bought for resale and was back on the market. He said the only properties selling had reduced prices 30-50 percent. He requested the assessed value for the land be dropped 20 percent to \$177,600, which would be more in-line with its true value.

Member Covert asked if the Petitioner would get more or less than \$617,487 if he sold his property tomorrow. Petitioner Chaffer replied probably not much more than the appraised value of \$688,000. Member Covert said the property was reappraised in 2007, which brought it more in-line with its real value on the market. He said the property was still under its full cash value. He asked if land value on an improved property was formula driven. Josh Wilson, Assessor, replied that was true in tract and built out areas. He said lot sales were considered when there were any.

Member Green indicated the appraisal the Petitioner had done showed a value greater than the Assessor had the total property listed at. He said based on the figures, he was reluctant to reduce the value.

Appraiser Churchfield 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 Churchfield reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value. He testified he had worked with the realtor from Wingfield Springs who assured him the

smaller lots were on the market for \$200,000, and this lot was significantly larger than other custom lots.

Mr. Wilson said he understood the Petitioner's concerns. He indicated Area 5 would be reappraised next year and any appropriate adjustments made.

Member Krolick felt there should be newer sales data for that area where there was a pretty fluid market. Appraiser Churchfield said the reappraisal was prepared in October 2006 and those same sales were used in this packet. Member Krolick noted that was only five months ago, which was not that long.

In rebuttal, Petitioner Chaffer said he could not argue with the Assessor's data, and he appreciated the area would be looked at again next year. He discussed the speculation that had created artificial prices, especially on the lots.

Member Schmidt commented on the Petitioner's situation and the potential equalization problem. He said the Board had the authority to equalize, but the Petitioner had not brought the Board the evidence needed to grant relief.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners, on motion by Member Green, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 36, E. Roy & Donna R. Chaffer, APN 522-311-01, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-50E HEARING NO. 1 – HUNDLEY, DON R & BONNIE R –
PARCEL NO. 530-661-05

A petition for Review of Assessed Valuation received from Don R. & Bonnie R. Hundley, protesting the taxable valuation on land located at 2274 Penguin Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

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

Petitioners Don R. & Bonnie R. Hundley were not present but had submitted documentation attached to their petition.

In response to Member Covert, Appraiser Warren said the petition filed objected to the substantial land value increase.

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 13.

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

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Schmidt, seconded by Member Covert, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 1, Don R. & Bonnie R. Hundley, APN 530-661-05, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

**07-51E HEARING NO. 61 – DANNER, HOWARD G & NANCY L –
PARCEL NO. 083-440-40**

A petition for Review of Assessed Valuation received from Howard G. & Nancy L. Danner, protesting the taxable valuation on land located at 7790 Dolores Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned GR and designated single-family residence.

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

Petitioners Howard G. & Nancy L. Danner were not present but had submitted documentation attached to their petition.

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

In response to Member Schmidt, Appraiser Warren agreed there would be no downward adjustment for the lot size and noted the zoning for the area set a 10-acre site size.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 61, Howard G. & Nancy L. Danner, APN 083-440-40, be upheld. The Board found that,

with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-52E HEARING NOS. 27, 28, 29, 31, 32, 33 – DUNBAR –
PARCEL NOS. 006-300-43, 006-300-68, 010-451-36, 013-381-04,
036-380-94, 076-110-25

Petitions for Review of Assessed Valuation received from Regina L. Dunbar, protesting the taxable valuation on land and improvements for properties located in Reno and Sparks, Washoe County, Nevada, were set for consideration at this time. The properties have various zonings and various designations.

Petitioner Regina L. Dunbar was not present but had submitted documentation. (Exhibit A, Letter to Board dated February 23, 2007.)

In response to Member Schmidt, Mr. Wilson commented the properties were in various reappraisal areas and cyclical reappraisal was not a reason to equalize per statute.

Member Schmidt said he would not support a motion to consolidate because the parcels were in different reappraisal areas. Member Krolick said a letter contained in the package referenced the same issue was being addressed for all of the properties.

In response to Member Green, Mike Churchfield, Appraiser I, said the Petitioner's letter was based on the Incline Village decision and her belief was that the properties were out of equalization because of that decision.

Member Schmidt stated there was an equalization problem created throughout the County that rolled downhill from the Supreme Court decision placing the Incline Village properties at the 2002/03 taxable level. He stated these were the first non-Incline Village properties to raise the issue, and he was inclined to support the contention.

Vice Chair McAlinden stated her contention that Petitioners who were making the same argument as the Village League, but were not part of the group hearing, must make the same argument as the Village League and present substantiating evidence. She said the Assessor's Office must introduce substantiating evidence or refer to exhibits already entered into evidence.

On motion by Member Krolick, seconded by Member Green, which motion duly carried with Member Schmidt voting "no," Vice Chair McAlinden ordered that Hearing Nos. 27, 28, 29, 31, 32, and 33 be consolidated.

Josh Wilson, Assessor, duly sworn, oriented the Board as to the location of the subject properties and submitted the following documents into evidence for Hearing Nos. 27, 28, 29, 31, 32, and 33:

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

Mr. Wilson said the Assessor's Office would stand on its written presentation of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

Member Krolick asked if any of the methodologies that were disputed in the Incline Village case were used for these properties. Mr. Wilson said allocation was used for the condominiums and comparable land sales in the area were used for the vacant parcel and the single-family residence.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners, on motion by Member Green, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for the following hearing numbers be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value. It was noted that none of the appraisals on the following properties used the methodologies involved in the Incline Village Supreme Court decision.

Hearing No.	Petitioner	APN
27	Regina L. Dunbar TR	006-300-43
28	Regina L. Dunbar TR	006-300-68
29	Regina L. Dunbar TR	010-451-36
31	Julia A. Dunbar ETAL	013-381-04
32	Regina L. Dunbar TR	036-380-94
33	Regina L. Dunbar ETAL TR	076-110-25

Member Schmidt discussed the issue of equalization and why he supported the motion.

07-53E HEARING NO. 30 – BARTON, MARY JO – APN 010-452-28

A petition for Review of Assessed Valuation received from Mary Jo Barton, protesting the taxable valuation on land and improvements located at 1501 Foster Drive, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned MF14 and designated condominium or townhouse.

Josh Wilson, Assessor, duly sworn, oriented the Board as to the location of subject property and 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 6.

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

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 30, Mary Jo Barton, APN 010-452-28, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-54E HEARING NO. 589 – DYE, WILLIAM G & JEANNE L TR –
APN 049-281-09

A petition for Review of Assessed Valuation received from William G. & Jeanne L. Dye TR, protesting the taxable valuation on improvements located at 65 Llama Court, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned LDS and designated single-family residence.

Gail Vice, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 12.

Appraiser Vice said the recommendation was to reduce the quality class from 5.5 to 5.0 based on an interior inspection and on an equalization issue with two other properties in the same area that were almost identical to the subject property. She stated the owner was in agreement with the recommendation.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation by the Assessor's Office, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, Vice Chair McAlinden ordered that the Quality Class be reduced from 5.5 to 5.0 for Hearing No. 589, William G. & Jeanne L. Dye TR, APN 049-281-09. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-55E HEARING NO. 49 – GRASHUIS, MIKE & KIM – APN 055-140-20

A petition for Review of Assessed Valuation received from Mike & Kim Grashuis, protesting the taxable valuation on land located at State Route 429, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDR and designated vacant, single family.

Mike Churchfield, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 6.

Appraiser Churchfield said the recommendation was to reduce the land’s taxable value to \$196,360 and the assessed value to \$68,726.

In response to Member Schmidt, Appraiser Churchfield replied the recommended reduction was to equalize the subject property with others in the neighborhood. He said the subject property sold for substantially higher than the base price in this neighborhood.

The Vice Chair closed the hearing.

Member Green motioned to uphold the Assessor’s appraisal of the subject property and find the land and improvements are valued correctly and the total taxable value does not exceed full cash value with the new taxable value of \$196,360. Member Schmidt stated the motion was confusing. Vice Chair McAlinden seconded the motion for discussion. Vice Chair McAlinden withdrew here second. Member Green asked if someone else would make a motion.

Based on the evidence presented by the Assessor’s Office and the Petitioner and on a recommendation by the Assessor’s Office, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, Vice Chair McAlinden ordered that the taxable value be reduced to \$196,360, to equalize the subject parcel with similar parcels in the surrounding area, and the assessed value be reduced to \$68,726 for Hearing No. 49, Mike & Kim Grashuis, APN 055-140-20. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-56E HEARING NO. 22 – MALOY, WILLIAM E & MARY E TR – APN 055-140-21

A petition for Review of Assessed Valuation received from William E. and Mary E. Maloy TR, protesting the taxable valuation on land located at State Route 429, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDR and designated vacant, single family.

Mike Churchfield, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 6.

Appraiser Churchfield said the recommendation would equalize the subject property with others in the neighborhood.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners and on a recommendation by the Assessor's Office, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, Vice Chair McAlinden ordered that the taxable value be reduced to \$196,360, to equalize the subject parcel with similar parcels in the surrounding area, and the assessed value be reduced to \$68,726 for Hearing No. 22, William E. & Mary E. Maloy TR, APN 055-140-21. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-57E HEARING NO. 50 – LUX, STEVEN W – APN 066-260-55

A petition for Review of Assessed Valuation received from Steven W. Lux, protesting the taxable valuation on land located approximately 70 miles north of Gerlach and 25 miles southeast of Vya, Washoe County, Nevada, was set for consideration at this time. The property is zoned GR and designated vacant, single family.

Pat O'Hair, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 9.

Appraiser O'Hair stated he had verified the \$66,100 sale price with the Petitioner. He stated the current taxable value was \$240,000, and he was asking the Board for guidance. He explained it was an eBay auction sale and no comparables were found that were even close to \$100 an acre.

In response to Member Green, Appraiser O'Hair stated he wondered if the taxable value was above full cash value. He said the taxable value was \$93,000 last year and in 2003 it was \$73,000.

Member Green said he had a problem with \$240,000. He felt having access was a plus. He asked if the property was put on the market right now, how long

would it take to sell. Appraiser O’Hair felt it would take a long time because it was in an area that did not have a lot of demand and most of the 70 miles was dirt.

After further discussion, Member Green suggested making the taxable value \$100,000. Member Krolick was concerned how the Board would justify the price. Member Schmidt suggested keeping the taxable value at \$93,000. Member Krolick suggested using LS-3 at \$125,000.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor’s Office and the Petitioners and on a recommendation to reduce by the Assessor’s Office, on motion by Member Green, seconded by Vice Chair McAlinden, which motion duly carried with Member Krolick voting “no,” it was ordered that the taxable value be reduced to \$100,000 for Hearing No. 50, Steven W. Lux, APN 066-260-55, because the Board found that to be a fair price at this time. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-58E HEARING NO. 41 – WILLIAMS, CLIFFORD J ETAL –
APN 071-211-66

A petition for Review of Assessed Valuation received from Clifford Williams, protesting the taxable valuation on land and improvements located at Highway 34 North, 17 miles north, 3 miles west, Washoe County, Nevada, was set for consideration at this time. The property is zoned GR and designated minor improvements.

Petitioner Clifford Williams was not present but had submitted documentation.

Pat O’Hair, Appraiser III, duly sworn, oriented the Board as to the location of the subject property. He testified the Petitioner’s neighbors all had agricultural exemptions while he did not, and the Petitioner did not feel it was right that his neighbors had lower taxes while making money off their land.

Member Schmidt said the Petitioner requested by fax a continuance until tomorrow because of the inclement weather making it difficult to drive down from Gerlach, which he was inclined to grant.

Member Green stated the Petitioner’s note indicated there was a building on the property. Appraiser O’Hair replied the Petitioner had \$25,000 of woodsheds on the property, which were actually old bunkhouses from a ranch that used to be there. He confirmed there was no house.

The Vice Chair closed the hearing.

On motion by Member Krolick, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that Hearing No. 41, Clifford J. Williams Etal, APN 071-211-66 be continued until February 28, 2007 at 1:30 p.m. because of adverse weather conditions. It was noted the Clerk's Office would contact Mr. Williams about the continuance.

07-59E HEARING NO. 11 – ROGALLA, MARION L & CAROLYN –
APN 076-371-03

A petition for Review of Assessed Valuation received from Marion L. & Carolyn Rogalla, protesting the taxable valuation on land and improvements located at 15 Velda Rose, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned GR and designated single-family residence.

Petitioners Marion L. & Carolyn Rogalla were not present but had submitted documentation with their petition.

Ron Sauer, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property and 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 9.

Appraiser Sauer said the recommendation was to reduce the quality class to 3.5; and, with that adjustment, the taxable value would not exceed full cash value. He indicated the Petitioner was in agreement with the adjustment.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation by the Assessor's Office to reduce the Quality Class from 4.5 to 3.5, on motion by Vice Chair McAlinden, seconded by Member Covert, which motion duly carried, it was ordered that the land's taxable value be reduced to \$280,000 and the building's taxable value be reduced to \$293,143, for a total taxable value of \$573,143 and the land's assessed value be reduced to \$98,000 and the building's taxable value be reduced to \$102,600, for a total taxable value of \$200,600 for Hearing No. 11, Marion L. & Carolyn Rogalla, APN 076-371-03. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-60E HEARING NO. 23 – ADAMS, JOHN R – APN 077-250-01

A petition for Review of Assessed Valuation received from John R. Adams, protesting the taxable valuation on land located at Mid Road, Palomino Valley,

Washoe County, Nevada, was set for consideration at this time. The property is zoned GRR and designated vacant, single family.

Petitioner John R. Adams was not present but had submitted documentation. (Exhibit A, Letter to Board with photos.)

Ron Sauer, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property and 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 Sauer reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

Member Krolick asked if Appraiser Sauer could address the Petitioner's letter about the quality of services and if the comparables shared those issues. Member Schmidt said the letter indicated all of the comparable properties shared the lack of services and poor road maintenance. Member Krolick asked if this hearing should be continued until Keith Stege, Appraiser III, was available to answer questions. Appraiser Sauer indicated questions would be more appropriate for the Petitioner to address.

In response to Member Schmidt, Appraiser Sauer stated the base lot value was \$690 per acre, and the Petitioner had seven different values based on size. He said land sales in the area were all affected by poor topography and access to some extent. He stated a \$12,500 adjustment was made for each quarter mile distance away from power. He explained the base value went up 10 percent for each increment of acreage starting with 20 to 80 acres at \$160,000, and he provided the figures for each increment.

Member Green commented on the comparable sales and that the subject property seemed to be right in the ballpark. Member Krolick agreed.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners, on motion by Member Green, seconded by Member Schmidt, which motion duly carried, Vice Chair McAlinden ordered that the Assessor's appraisal for Hearing No. 23, John R. Adams, APN 077-250-01, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-61E HEARING NO. 587 – ROTH, WILLIAM L – APN 078-271-08

A petition for Review of Assessed Valuation received from William L. Roth, protesting the taxable valuation on land located at 1600 S. Frontier Road, Reno,

Washoe County, Nevada, was set for consideration at this time. The property is zoned LDR and designated single-family residence.

Petitioner William L. Roth was not present but had submitted documentation. (Exhibit A, Letter to Board dated January 10, 2007.)

Mike Bozman, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 Bozman reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

In response to Member Schmidt, Appraiser Bozman confirmed it was a reappraisal year and the property was on the high end of the acreage. Member Schmidt said the Petitioner's letter indicated the amount was based on the excessive sales price for LS-1. Appraiser Bozman indicated the Petitioner narrowed the comparables to just his road. He said 37 sales were used to arrive at a \$95,000 median base lot value. He said LS-1 was the most similar property to the subject property.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners, on motion by Vice Chair McAlinden, seconded by Member Covert, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 587, William L. Roth, APN 078-271-08, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

10:12 p.m. The Board took a brief recess.

10:17 p.m. The Board reconvened with all members present.

07-62E HEARING NO. 53 – CARTER, LEE J – APN 082-083-01

An unsigned petition for Review of Assessed Valuation was received from Lee J. Carter for the property located at 9906 N. Virginia Street, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned SP and designated single-family residence.

On motion by Member Covert, seconded by Vice Chair McAlinden, which motion duly carried, it was ordered that the petition for Hearing No. 53, Lee J. Carter, APN 082-083-01 be removed from consideration for the failure to perfect the application.

07-63E HEARING NO. 591 – MANKTELOW, PAUL D & JULIE A ETAL – APN 086-572-29

A petition for Review of Assessed Valuation received from Paul D. & Julie A. Manktelow Etal, protesting the taxable valuation on land located at 10083 Albite Street, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned SF6 and designated single-family residence.

Petitioners Paul D. & Julie A. Manktelow Etal were not present but had submitted documentation with their petition. (Exhibit A, Tables of residential properties sold.)

Pete Kinne, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 Kinne said he stood on his written presentation of sales of comparable properties, which substantiated that the Assessor's total taxable value did not exceed full cash value.

In response to Member Covert, Appraiser Kinne indicated this was a reappraisal year for the subject property.

In response to Member Schmidt, Appraiser Kinne said there had been no request for a continuance nor were the Petitioners present. Member Schmidt said there was a substantial number of tables submitted by the Petitioner, which appeared to require some guidance. Member Covert indicated he did not believe the tables the Petitioner submitted were relevant in a reassessment year.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Vice Chair McAlinden, seconded by Member Schmidt, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 591, Paul D. & Julie A. Manktelow Etal, APN 086-572-29, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-64E HEARING NO. 592 – MANKTELOW, PAUL D – APN 090-222-02

A petition for Review of Assessed Valuation received from Paul D. Manktelow, protesting the taxable valuation on land located at 8737 Silver Shores Drive, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned SF6 and designated single-family residence.

Petitioner Paul D. Manktelow was not present but had submitted documentation with his petition. (Exhibit A, Tables of residential properties sold.)

Pete Kinne, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 Kinne said he stood on his written presentation of sales of comparable properties, which substantiated that the Assessor's total taxable value did not exceed full cash value.

In response to Vice Chair McAlinden, Appraiser Kinne replied the Petitioner had converted part of the garage into additional living area.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Schmidt, seconded by Vice Chair McAlinden, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 592, Paul D. Manktelow, APN 090-222-02, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

**07-65E HEARING NOS. 17 & 17R06 – BELLASERA PROPERTIES LLC –
APN 145-030-01**

A petition for Review of Assessed Valuation received from Bellasera Properties LLC, protesting the taxable valuation on land located at Desert Way, Washoe County, Nevada, was set for consideration at this time. The property is zoned SF15 and designated vacant, under development.

On motion by Member Covert, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that Hearing Nos. 17 and 17R06 be consolidated.

Petitioner Bellasera Properties LLC's owner was not present but had submitted documentation with the petition. (Exhibit A, Dedication Agreement.)

Pat O'Hair, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and submitted the following documents into evidence for Hearing Nos. 17 and 17R06:

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

Appraiser O'Hair said 1.55 acres of the subject property had been annexed into the City of Reno, while the remaining portion was in the unincorporated area of Washoe County. He stated the 1.55 acres was a water-tank site and was in the process of being dedicated to the County along with the water tank, while the remaining eight acres could not be built on because of its steep slope. He indicated the appellant had provided an appraisal for the eight-acre portion at \$50,000, which the Assessor's Office felt was reasonable based on the slope. He said the 1.55-acre portion could be built on and should have a taxable value of \$100,000 based on the comparable sales. He said the recommendation for Hearing No. 17R06 would be to reduce the taxable value from \$345,500 to \$150,000 and for Hearing No. 17 to reduce the taxable value from \$397,325 to \$150,00. He said the taxpayer agreed with the recommendations.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioners and on a recommendation by the Assessor's Office, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that the taxable value be reduced from \$345,500 to \$150,000 due to 8.05 acres being unbuildable for Hearing No. 17R06, Bellasera Properties LLC, APN 145-030-01. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Based on the evidence presented by the Assessor's Office and the Petitioners and on a recommendation by the Assessor's Office, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that the taxable value be reduced from \$397,325 to \$150,000 due to 8.05 acres being unbuildable for Hearing No. 17, Bellasera Properties LLC, APN 145-030-01. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-66E HEARING NO. 44 – HOHL, T MICHAEL & KAREN TR –
APN 148-232-03

A petition for Review of Assessed Valuation received from T. Michael & Karen Hohl TR, protesting the taxable valuation on land and improvements located at 20482 Bordeaux Drive, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned LDS and designated single-family residence.

Gail Vice, Appraiser, duly sworn, oriented the Board as to the location of the subject property and 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 13.

Appraiser Vice said the recommendation would reduce the taxable value of the land from \$826,200 to \$750,000 based on revisiting some area land sales and the discovery the land was over market due to factoring in the area. She stated after the adjustment, the total taxable value would be \$3,755,841 with an assessed value of \$1,314,544. She said the Petitioner agreed with the recommendation

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation to reduce the land by the Assessor's Office, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that the land's taxable value be reduced to \$750,000 for a total taxable value of \$3,755,841 and the total assessed value be reduced to \$1,314,544 due to comparable sales within Montreux for Hearing No. 44, T. Michael & Karen Hohl TR, APN 148-232-03. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-67E HEARING NO. 612 – GINDER, MICHAEL P & CAROLYN L TR –
APN 220-021-06

A petition for Review of Assessed Valuation received from Michael P. & Carolyn L. Ginder TR, protesting the taxable valuation on land located at 4415 Sharps Road, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned LDS and designated single-family residence.

Petitioners Michael P. & Carolyn L. Ginder TR were not present but had submitted documentation. (Exhibit A, Letter to Board dated February 14, 2007 and Exhibit B, Letter to the Board with attachments)

Gail Vice, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 Vice said last year the Board upheld the Assessor's valuation regarding an appeal by the Petitioners' based on equalization. She stated the same comparable sales were used last year and this year, and she reviewed those sales substantiating that the Assessor's total taxable value did not exceed full cash value.

The Vice Chair closed the hearing.

Member Schmidt said he would support a continuance even beyond February 28th because he would not have time to review the information by tomorrow.

He felt this was an example of a Petitioner not getting his proper due process because of poor scheduling this year.

Member Green asked if the Petitioners had signed in. Nancy Parent, Chief Deputy Clerk, replied the Petitioners had not signed in and they were properly noticed. Member Schmidt indicated there was no requirement the Petitioners appear and they had submitted substantial information. Vice Chair McAlinden said she had reviewed the packet. Member Krolick noted they had appealed last year to the State Board of Equalization (BOE), but he could not find the decision in the packet. He stated he agreed with Member Schmidt and the Petitioners had made a reasonable effort to support their request.

Appraiser Vice said the Ginders' had appealed to the State BOE but the Supreme Court Decision had not yet been rendered, so the appeal was continued and had not been finished to date. She explained the Petitioner had filed as part of the Village League consolidated hearing but had withdrawn and postponed their hearing until today. She indicated the Petitioner had not appeared either time. Member Schmidt reiterated there was no obligation for the Petitioner to appear, only to get the information on the record. He stated it was the Board's obligation to read it.

Member Covert stated he read the Petitioner's letter twice, and he felt there the Petitioner did not provide specific data that proved his case.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Vice Chair McAlinden, which motion duly carried with Members Krolick and Schmidt voting "no," it was ordered that the Assessor's appraisal for Hearing No. 612, Michael P. & Carolyn L. Ginder TR, APN 220-021-06, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-68E HEARING NO. 35 – CONANT, PATTY – APN 514-201-01

A petition for Review of Assessed Valuation received from Patty Conant, protesting the taxable valuation on land located at 4595 Mount Bachelor Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned R1-6 and designated single-family residence.

Petitioner Patty Conant was not present but had submitted documentation with her petition. (Exhibit A, Existing Home Sales Statistics.)

Gary Warren, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property and 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 Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

In response to Member Krolick, Appraiser Warren confirmed the subject property was located in the reappraisal area.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Vice Chair McAlinden, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 35, Patty Conant, APN 514-201-01, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-69E HEARING NO. 63 – FILIPAS, MILIVOJ & MARTHA M –
APN 516-202-04

A petition for Review of Assessed Valuation received from Milivoj & Martha M. Filipas, protesting the taxable valuation on land located at 911 Tropic Court, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned PD and designated single-family residence.

Gail Vice, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 Vice reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Vice Chair McAlinden, seconded by Member Schmidt, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 63, Milivoj & Martha M. Filipas, APN 516-202-04, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-70E HEARING NO. 45S06 – ZIEGLER, JOHNNY W JR & CAROLE A –
APN 520-391-10

A petition for Review of Assessed Valuation received from John W. Jr. & Carole A. Ziegler, protesting the taxable valuation on improvements located at 2420 Singing Hills Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned NUD and designated single-family residence.

Petitioners Johnny W. Jr. & Carole A. Ziegler were not present but had submitted documentation with their petition. (Exhibit A, Real Property Appeal.)

Mike Bozman, Appraiser III, duly sworn, oriented the Board as to the location of the subject property and 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 Bozman said the Assessor's Office was recommending a reduction in the quality class from 7.0 to 6.0. He stated after a walkthrough, it was felt the 6.0 was more applicable to the subject property and would equalize it with similar properties in the area. He indicated the taxpayer was in agreement with the recommendation.

In response to Member Green, Appraiser Bozman stated the building was only 60 percent complete at the time the quality class was determined. He said the reduction would bring the building's taxable value down to \$361,158.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation by the Assessor's Office, on motion by Member Schmidt, seconded by Member Green, which motion duly carried, Vice Chair McAlinden ordered that the Quality Class be reduced from 7.0 to 6.0 for Hearing No. 45S06, Johnny W. Jr. & Carole A. Ziegler, APN 520-391-10, which reduces the improvements taxable value. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-71E HEARING NO. 2R06 – PRICHARD, WALLACE P & MARY K –
APN 522-072-03

A petition for 2006 Reopened Roll for Review of Assessed Valuation received from Wallace P. & Mary K. Prichard, protesting the taxable valuation on improvements located at 6369 Rey Del Sierra Drive, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned NUD and designated single-family residence.

Howard Stockton, Appraiser II, duly sworn, oriented the Board as to the location of the subject property and 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.

Exhibit II, replacement of page 1 for Exhibit I.

Appraiser Stockton said the Assessor's Office was recommending a reduction in quality class from 6.5 to 5.5. He indicated the taxpayer was in agreement with the recommendation.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner and on a recommendation by the Assessor's Office, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that the Quality Class be reduced from 6.5 to 5.5 for Hearing No. 2R06, Wallace P. & Mary K. Prichard, APN 522-072-03, for a land taxable value of \$116,164, a building taxable value of \$602,280 for a total taxable value of \$718,444. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-72E HEARING NO. 64 – NELSON, MARK R & CYNTHIA L –
APN 522-132-16

A petition for Review of Assessed Valuation received from Mark R. & Cynthia L. Nelson, protesting the taxable valuation on land and improvements located at 6308 Firebee Court, Sparks, Washoe County, Nevada, was set for consideration at this time. The property is zoned NUD and designated single-family residence.

Petitioners Mark R. & Cynthia L. Nelson were not present but had submitted documentation with their petition. (Exhibit A, Letter to Board dated January 10, 2007.)

Mike Churchfield, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 Churchfield stated the Petitioner had expressed that this sale was not necessarily an arms-length transaction because the seller of the subject property owned two other properties at the time of this sale, and he quickly needed to get rid of one of them.

The Vice Chair closed the hearing.

Member Schmidt said he could not support the Assessor's recommendation without further evidence that the recent sale on the property was not a market sale.

Member Green stated LS-1 was a good comparable sale. Member Krolick agreed.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Covert, seconded by Vice Chair McAlinden, which motion duly carried with Member Schmidt voting "no," it was ordered that the Assessor's appraisal for Hearing No. 64, Mark R. & Cynthia L. Nelson, APN 522-132-16, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

07-73E HEARING NO. 26 – HOFFMAN, MARK – APN 554-082-26

A petition for Review of Assessed Valuation received from Mark Hoffman, protesting the taxable valuation on land located at 6885 Forsythia Way, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned SF4 and designated vacant, single family.

Petitioner Mark Hoffman was not present but had submitted documentation with his petition.

Mike Churchfield, Appraiser I, duly sworn, oriented the Board as to the location of the subject property and 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 Churchfield reviewed sales of comparable properties substantiating that the Assessor's total taxable value did not exceed full cash value.

In response to Member Covert, Appraiser Churchfield indicated the Petitioner had not submitted any additional comparable sales.

The Vice Chair closed the hearing.

Based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Vice Chair McAlinden, seconded by Member Green, which motion duly carried, it was ordered that the Assessor's appraisal for Hearing No. 26, Mark Hoffman, APN 554-082-26, be upheld. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

A petition for the 2006 Reopened Roll for Review of Assessed Valuation received from Woodland Village North LLC, protesting the taxable valuation on land located at 18755 Village Center Drive, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated vacant, under development.

Nancy Parent, Chief Deputy Clerk, said the Petitioner was here but had to leave. She submitted the following documents into evidence on his behalf:

Exhibit A, Staff Report dated August 8, 2006 to the Board of County Commissioners regarding the approval of the Village Center Park design and construction agreement.

Exhibit B, Parcel map of subject property.

Ron Sauer, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property and 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 Sauer said the 2007 reappraisal was based on the property's zoning at the time, which was MDS and produced a value of \$44,000 per acre. He discussed the August 8, 2006 development agreement between Washoe County and Woodland Village North, LLC to develop the subject property as a County park. He stated it was the Petitioner's contention that he should not have to pay taxes on the parcel because of the contract entered into with the County. He said the Assessor's Office could not find anything in Statute that gave the Assessor's Office the right to reduce it to a park value, but the Board had that right.

In response to Member Covert, Appraiser Sauer said the negotiations between the Petitioner and the County were complete and the Appraiser who did the appraisal indicated the park was under construction and would be done by July 1, 2007.

In response to Member Schmidt, Appraiser Sauer said Washoe County would own the park and the zoning had been changed to reflect that it would be a park.

In response to Member Covert, Appraiser Sauer replied the Assessor's Office was aware the subject property was to be dedicated as a park on July 1, 2006 when the appraisal was done, but there had not been a zoning change; and he did not know when the negotiations with the County began.

Member Krolick said since the property had been rezoned, he could support a motion to grant the Petitioner relief. He felt the motion could include a

contingency that, if the property was not dedicated as a park, it could be charged for taxes.

In response to Member Schmidt, Appraiser Sauer said none of the comparable sales were for parks. He said it was difficult to find park, school, or open space sales because they just did not occur.

In response to Member Green, Appraiser Sauer said the Assessor's Office could not do anything until the Petitioner actually donated the property to the County.

Member Green asked Legal Counsel if the Board could find the property had no value. Member Schmidt interjected its current use was a park and had no income potential.

After further discussion, John Bartlett, Legal Counsel, said the roll closed January 1, but could be reopened shortly thereafter for any of the changes specified in Nevada Revised Statute (NRS) 361.310.

Member Schmidt noted that the agreement was signed on July 26th. Member Covert said it was effective August 8, 2006. Mr. Bartlett said the Board could only reflect changes that took place between January 1st and July 1st.

Based on the appraisal record, Appraiser Sauer said Cori Delguidice, Appraiser III, asked on May 26, 2006 that the value be reopened for \$578,400, which corresponded to the final value. He felt that meant it was reopened for 2006.

Mr. Bartlett stated the Board needed to decide if the property became exempt property or had its zoning changed before July 1, 2006.

Appraiser Sauer confirmed the zoning Appraiser Delguidice based the value on was MDS.

Member Covert suggested the Board not give full credit for 2006, but the Board grant some relief. Vice Chair McAlinden agreed.

Appraiser Sauer explained the Petitioner filed his petition on October 19, 2006 regarding appealing the 2006/07 roll.

Member Covert said he was hesitant to support a zero value because the deal could have gone sour before anyone signed on the dotted line. He felt the Petitioner knew the rules as to when the assessments were to, and he was not sympathetic to the Petitioner's timing.

In response to Member Schmidt, Appraiser Sauer said the roll was reopened because of a split on the parcel. Mr. Bartlett read what things could occur before July 1st that would allow for reopening of the rolls, and he discussed the three

subsections. He said the subsection indicated over assessments could be corrected because of a factual error in existence, size, quantity, age, use, zoning or legal or physical restrictions for use.

Member Schmidt said he could make the finding based on changes due to a legal restriction, and he noted on May 9, 2006 the Board of County Commissioners approved the revised Village Center master plan even though it was not signed and made effective until August 8, 2006. Mr. Bartlett said the Statute mentioned a factual error. Member Schmidt said May 9, 2006 was prior to July 1st for the 2006/07 roll so there was no factual error necessary. He stated the only thing necessary was a new legal restriction between January 15th and July 1st. Mr. Bartlett indicated Member Schmidt was referring to subsection A5.

The Vice Chair closed the hearing.

Based on action taken by the Board of County Commissioners on May 9, 2006, on motion by Member Green, seconded by Member Krolick, which motion duly carried, Vice Chair McAlinden ordered that the land use be changed to a non-profit operation for Hearing No. 3, Woodland Village North LLC, APN 556-390-15, as the County accepted the land as a park; and, with that acceptance, the Board finds that the land has no taxable value for the 2006/07 tax year, which the Board reopened to accommodate that decision. The Board found that, with these adjustments, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

Member Covert asked if there was any indication what would happen for 2007/08. Appraiser Sauer indicated the petitioner would be informed of the Board's action and he would encourage the Petitioner to dedicate the land to the County before July 1st.

BOARD MEMBER COMMENTS

Member Schmidt placed a copy of his letter to the Office of the County Clerk into the record.

Member Green thanked the Assessor's and the Clerk's staff for staying so late.

PUBLIC COMMENTS

Nancy Parent, Chief Deputy Clerk, informed everyone which gate to use to exit the complex.

* * * * *

11:32 p.m. There being no further hearings or business to come before the Board, the Board adjourned.

PATRICIA MCALINDEN, Vice Chair
Washoe County Board of Equalization

ATTEST:

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

*Minutes prepared by
Lisa McNeill and Jan Frazzetta, Deputy Clerks*