

07-1695  
Locally Assessed Property  
Signed 07/08/2008

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BEFORE THE UTAH STATE TAX COMMISSION

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PETITIONER,  Petitioner,  v.  BOARD OF EQUALIZATION OF SALT LAKE COUNTY, STATE OF UTAH,  Respondent.	<b>INITIAL HEARING ORDER</b>  Appeal No.    07-1695  Parcel No.    #####  Tax Type:    Property Tax / Locally Assessed Tax Year:    2007  Judge:        Chapman
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**Presiding:**

Kerry R. Chapman, Administrative Law Judge

**Appearances:**

For Petitioner:    PETITIONER REPRESENTATIVE, Representative  
For Respondent:    RESPONDENT REPRESENTATIVE, from the Salt Lake County Assessor's  
                            Office

STATEMENT OF THE CASE

This matter came before the Commission for an Initial Hearing pursuant to the provisions of Utah Code Ann. §59-1-502.5, on June 30, 2008.

At issue is the fair market value of the subject property as of January 1, 2007. The subject is a single-family residence located at ADDRESS in CITY, Utah. The Salt Lake County Board of Equalization ("County BOE") sustained the \$\$\$\$ value at which the subject was assessed for the 2007 tax year. On her appeal form, the property owner asked the Commission to reduce the subject's value to \$\$\$\$\$. The County asks the Commission to reduce the subject's value to \$\$\$\$\$.

APPLICABLE LAW

Utah Code Ann. §59-2-1006(1) provides that "[a]ny person dissatisfied with the decision of the county board of equalization concerning the assessment and equalization of any property, or the determination of any exemption in which the person has an interest, may appeal that decision to the

commission . . . .”

Section 59-2-1006(4) provides that the Commission may adjust values due to equalization concerns, as follows:

(4) In reviewing the county board's decision, the commission shall adjust property valuations to reflect a value equalized with the assessed value of other comparable properties if:

- (a) the issue of equalization of property values is raised; and
- (b) the commission determines that the property that is the subject of the appeal deviates in value plus or minus 5% from the assessed value of comparable properties.

Any party requesting a value different from the value established by the County BOE has the burden to establish that the market value of the subject property is other than the value determined by the county board of equalization.

For a party who is requesting a value that is different from that determined by the County BOE to prevail, that party must (1) demonstrate that the value established by the County BOE contained error, and (2) provide the Commission with a sound evidentiary basis for reducing the value established by the County BOE to the amount proposed by the party. *Nelson v. Bd. Of Equalization of Salt Lake County*, 943 P.2d 1354 (Utah 1997), *Utah Power & Light Co. v. Utah State Tax Commission*, 530 P.2d. 332 (Utah 1979).

#### DISCUSSION

The subject property consists of a 0.38-acre lot and a two-story home that was built around 1998. The home contains 3,913 square feet of above-grade living space and an unfinished basement that is 2,087 square feet in size. The home has a three-car garage and three fireplaces.

The subject is located on a corner lot. Although the property is accessed through a relatively quiet street, one side of the property is located on STREET, which is a busy street. A wall and gate separate the subject property from STREET. Nevertheless, the property owner proffers that noise from STREET is a

negative influence on the property. The owner also states that from the upper floor bedroom, the view is of older, smaller homes across STREET and that large trucks are kept at one of these homes.

Property Owner's Information. The property owner is concerned that the \$\$\$\$ value requested by the County for 2007 is 18.58% higher than the subject's 2006 assessed value of \$\$. The property owner believes that this amount of increase for 2007 should be reduced for several reasons, specifically: 1) that information from a *Salt Lake Tribune* article and home sale statistics from the Board of Realtors show that properties in the subject's area increased no more than 15.3% during 2006; 2) that the percent increase of most homes in the subject's neighborhood between 2006 and 2007 was between 17% and 18% and that several homes increased at a significantly lower rate; 3) that the negative influences that affect the subject property, specifically noise and views, does not impact other, nearby homes, many of which are on private drives and culs-de-sac; and 4) that proffered articles contain statements from the Salt Lake County Assessor admitting that the assessment system is flawed.

The property owner, however, has not shown that the \$\$\$\$ value requested by the County is not the fair market value of the subject property or that such an assessment is not equalized with the assessed values of other similar properties. Moreover, the property owner's information suggests that the \$\$\$\$ value is in line with other assessments. For example, the home next-door to the subject was assessed at \$\$\$\$ for the 2007 tax year. This home was built by the same builder who built the subject, was built at the same time as the subject, is similar in size to the subject, and is also located on STREET. Furthermore, even though the subject property's value may have increased by a greater percentage than other homes for the 2007 tax year, such information does not, alone, show that the subject's assessment is out of line with other assessments. Based on the foregoing, the Commission concludes that the property owner's evidence is insufficient to show that the

subject's value at \$\$\$\$\$ does not represent its fair market value or that it is not sufficiently equalized to the value of other similar properties.

County Information. The County proffers an appraisal in which it estimates the subject's value to be \$\$\$\$\$. The County asks the Commission to reduce the subject's value to this amount.

The County's appraisal compares the subject to five comparable sales that sold for prices ranging from \$\$\$\$\$ to \$\$\$\$\$. Three of the comparables are located within one-half mile of the subject property. These three properties sold for prices ranging from \$\$\$\$\$ to \$\$\$\$\$ and adjusted to prices ranging from \$\$\$\$\$ to \$\$\$\$\$. The one comparable that is in the same development as the subject property and is located on STREET sold for \$\$\$\$\$ in August 2006 and adjusted to \$\$\$\$\$. The County's evidence is convincing and shows that \$\$\$\$\$ is a reasonable value for the subject property for the 2007 tax year.

DECISION AND ORDER

Based upon the foregoing, the Tax Commission finds that the fair market value of the subject property should be reduced to \$\$\$\$\$ for the 2007 tax year. The Salt Lake County Auditor is ordered to adjust its records to reflect this decision. It is so ordered.

This decision does not limit a party's right to a Formal Hearing. However, this Decision and Order will become the Final Decision and Order of the Commission unless any party to this case files a written request within thirty (30) days of the date of this decision to proceed to a Formal Hearing. Such a request shall be mailed to the address listed below and must include the taxpayer's name, address, and appeal number:

Utah State Tax Commission  
Appeals Division  
210 North 1950 West  
Salt Lake City, Utah 84134

Failure to request a Formal Hearing will preclude any further appeal rights in this matter.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Appeal No. 07-1695

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Kerry R. Chapman  
Administrative Law Judge

BY ORDER OF THE UTAH STATE TAX COMMISSION.

The Commission has reviewed this case and the undersigned concur in this decision.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Pam Hendrickson  
Commission Chair

R. Bruce Johnson  
Commissioner

Marc B. Johnson  
Commissioner

D'Arcy Dixon Pignanelli  
Commissioner

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