

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 56928

Petitioner:

PLANTASTIC VENTURES,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
COMMISSIONERS.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on September 15, 2011, Louesa Maricle and Debra A. Baumbach presiding. Petitioner was represented by William A. McLain, Esq. Respondent was represented by James Burgess, Esq. Petitioner is requesting an abatement/refund of taxes on the subject property for tax year 2007 and 2008.

During the hearing, Petitioner withdrew Schedule No. 453545 for tax year 2007.

Subject properties are described as follows:

**9001 W. 51st Avenue
Arvada, Colorado 80002
Jefferson County Schedule No. 453545**

**9180 W. 52nd Avenue
Arvada, Colorado 80002
Jefferson County Schedule No. 453542**

Schedule No. 453545 consists of a ranch style residence built in 1954 with an adjusted year built of 1957. There is 1,510 square feet of living area, with four bedrooms, one full bath, one three quarter bath, and one half bath, garage, and a carport. The property is situated on a .368 acre lot. Schedule No. 453542 consists of a ranch style residence built in 1961 with an adjusted year built of 1965. There is 1,762 square feet of living area with three bedrooms, one full bath and two three

quarter baths, a fireplace, and a full walk-out basement area. The subject is situated on a .494 acre lot.

Petitioner is requesting a 2008 actual value of \$109,529.00 for Schedule No. 453545. Respondent assigned an actual value of \$223,000.00 for Schedule No. 453545 for tax year 2008 but is recommending a reduction in value to \$195,400.00. Petitioner is requesting an actual value of \$153,079.00 for tax years 2007 and 2008 for Schedule No. 453542. Respondent assigned an actual 2007 and 2008 value of \$309,900.00 but is recommending a reduction in value to \$276,000.00 for Schedule No.453542.

Petitioner's witness, Mr. Ronald Sandstrom, testified the subject properties consist of two residential improvements located in close proximity to a greenhouse operation and are rented by greenhouse employees. Schedule No. 453545 is located southeast of the greenhouse operation, identified as Schedule No. 003822. Subsequently, there was replatting due to the inception of a special district and the schedule number changed. Schedule No. 453542 is located northwest of the greenhouse operation.

Mr. Sandstrom testified he believes that both properties should be part of a settlement agreement reached by the parties with respect to several greenhouse properties, should reflect adjustments for location and should reflect similar land values. They are both subject to the same external influences affecting the value and are part of the greenhouse operation. Initially, Schedule No. 543545 was under Schedule No. 003822 which was part of the settlement agreement for tax years 2003/2004. Respondent changed the schedule number as a result of a road easement and, according to Petitioner, the property should be included in the settlement agreement for the post 2003/2004 tax years.

Mr. Sandstrom testified he valued Schedule No. 453545 based on the adjustments made for properties that were subject to the settlement agreement. He started with an improvement value of \$150,900.00 and adjusted the value by 20% for location in proximity to the greenhouse operation. Based on the adjustments made in the settlement agreement, he applied local multipliers and added the land value of \$14,249.00 for a total value of \$138,608.00.

Mr. Sandstrom believes that Schedule No. 453542 should be subject to the settlement agreement and valued this property using the same methodology. He started with an improvement value of \$298,760.00 from the 2003/2004 original Assessor's market value and adjusted the value by 20% for location, applied local multipliers and added the land value of \$19,128.00 for a total value of \$163,562.00.

After reviewing Respondent's valuations, Petitioner agreed with Respondent's final opinion of value of \$195,400.00 for Schedule No. 453545 for 2008 and \$276,000.00 for Schedule No. 453542 for 2007 and 2008 as the starting points for the valuation of the properties. However, Petitioner believes additional adjustments are necessary for the proximity of the subject properties to the greenhouse operation and for land values.

Petitioner is requesting an actual value of \$109,529.00 for tax year 2008 for Schedule No. 453545 based on adjustments for both proximity to the greenhouse operation and land value. If the only adjustment made is based on proximity to the greenhouse operation, Petitioner is requesting an actual value of \$156,320.00 for tax year 2008 for Schedule No. 453545.

Petitioner is requesting an actual value of \$153,079.00 for tax years 2007 and 2008 for Schedule No. 453542 based on adjustments for both proximity to the greenhouse operation and land value. If the only adjustment made is based on proximity to the greenhouse operation, Petitioner is requesting an actual value of \$220,800.00 for tax years 2007 and 2008 for Schedule No. 453542.

Respondent's witness, Darla Jaramillo of the Jefferson County Assessor's Office, testified that the two schedule numbers were intentionally left out of the settlement agreement because they were not considered part of the greenhouse operations. Schedule No. 453542 was never part of the settlement agreement and both properties can be sold separately.

Respondent's witness, William R. Stephens, with the Jefferson County Assessor's Office, presented three comparable sales ranging in sale price from \$185,000.00 to \$242,500.00 and in size from 921 to 1,478 square feet for Schedule No. 453542. After adjustments were made, the sales ranged from \$256,000.00 to \$312,900.00.

Mr. Stephens testified that Schedule No. 453542 was considered to be in overall average condition and there were no functional or external obsolescence observed. He did not consider the location next to the greenhouse operations to be an adverse factor requiring an adjustment for location. All of the comparable sales used are located with close proximity to the subject and all share similar market perceptions. Adjustments were made for all differences affecting the value.

Mr. Stephens presented three comparable sales ranging in sale price from \$165,000.00 to \$207,000.00 and in size from 1,235 to 1,319 square feet for Schedule No. 453545. After adjustments were made, the sales ranged from \$184,700.00 to \$214,310.00.

Mr. Stephens testified that Schedule No. 453545 was considered to be in overall average condition and noted there were no functional or external obsolescence observed. Although this property is located directly north of the greenhouse operations, Mr. Stephens did not consider the location to be an adverse factor requiring adjustments. All of the comparable sales used for both properties are located in the same market area and required overall a minimal degree of adjustments.

Respondent assigned an actual value of \$223,000.00 to the subject for tax year 2008 for Schedule No. 453545 but recommending a reduction to \$195,400.00. Respondent assigned an actual value of \$309,900.00 for tax years 2007 and 2008 for Schedule No. 453542 but is recommending a reduction to \$276,000.00.

Respondent presented sufficient probative evidence and testimony to show that the subject properties should be reduced to Respondent's recommended values.

The Board relied upon Respondent's value analysis and conclusions. The Board determined Respondent's market approach provided appropriate comparable sales and supported adjustments in concluding to the recommended lower values for both properties. Based on the testimony of Mr. Stephens, the Board determined that additional adjustments were not warranted either for proximity to the greenhouse operation or for land value.

ORDER:

Respondent is ordered to reduce the actual value for Schedule No. 453545 for tax year 2008 to \$195,400.00 and to reduce the actual value for Schedule No. 453542 for tax years 2007 and 2008 to \$276,000.00.

APPEAL:

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

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

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

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 1st day of December, 2011.



BOARD OF ASSESSMENT APPEALS

A handwritten signature in black ink, appearing to read "Louesa Maricle".

Louesa Maricle

A handwritten signature in black ink, appearing to read "Debra A. Baumbach".

Debra A. Baumbach

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

A handwritten signature in black ink, appearing to read "Milla Crichton".

Milla Crichton