

SUPREME COURT OF SOUTH DAKOTA

Esling v. Krambeck

663 N.W.2d 671 (S.D. 2003); 2003 SD 59 · No. No. 22473 · Decided May 21, 2003

SUMMARY

The South Dakota Supreme Court affirmed the denial of a writ of certiorari challenging the City of Spearfish's voluntary annexation of territory known as Centennial Valley. The court held that the city reasonably used the insured value of a county-owned airport hangar in determining whether the statutory value requirement for annexation was met, and that the annexed territory was contiguous, natural, and reasonable. The court also held that the city acquired exclusive zoning jurisdiction over the annexed territory, displacing the county zoning ordinance.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Konenkamp, Justice; Gilbertson, Chief Justice; Zinter, Justice; Meierhenry, Justice; Sabers, Justice
JURISDICTION	South Dakota
DECIDED	May 21, 2003
DOCKET	No. 22473
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the circuit court's denial-related ruling in a writ of certiorari proceeding challenging the City of Spearfish's voluntary annexation and concurrent zoning of Centennial Valley.
STANDARD OF REVIEW	Certiorari review is limited to whether the challenged tribunal had jurisdiction and regularly pursued its authority; statutory interpretation is reviewed de novo; factual findings are reviewed for clear error; and conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	published opinion; precedential
PARTIES	John J. Esling, Holly Baker, Paul Baker, Gloria Baker, David Meredith, Steinmeyer Farms, Inc., Save Centennial Valley Association v. Jerry Krambeck, Mayor of Spearfish, Common City Council of the City of Spearfish, Lawrence County Commission

TOPICS

municipal law

statutory interpretation

zoning

due process

appellate procedure

PRACTICE AREAS

municipal law

land use

zoning

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the city lawfully determined the value of territory under SDCL 9-4-1 by including the insured value of the county-owned airport hangar.
2. Whether the use of different valuation methods for the airport hangar and privately owned land violated equal protection or due process.
3. Whether the territory was contiguous, encompassed a community of interests, and constituted a natural and reasonable inclusion under SDCL 9-4-1.
4. Whether the City of Spearfish could zone the annexed territory contrary to an initiated Lawrence County zoning ordinance.

HOLDINGS

1. SDCL 9-4-1 does not limit the term "value" to assessed value. Including the insured value of the county-owned airport hangar was a reasonable method of valuing the territory, and the city acted within its authority.
2. The city's use of assessed value for some property and insured value for the public hangar did not violate equal protection, procedural due process, or substantive due process.
3. The annexed territory satisfied SDCL 9-4-1's contiguity requirement because it physically adjoined Spearfish, encompassed a community of interests, and constituted a natural and reasonable inclusion.
4. Upon annexation, the City of Spearfish acquired exclusive zoning jurisdiction over the territory, and the initiated Lawrence County zoning ordinance ceased to apply.

KEY QUOTATIONS

"We conclude that for the purposes of SDCL 9-4-1, the insured value of the hangar was a reasonable valuation." (677)

"We hold, instead, that Spearfish has exclusive jurisdiction to zone the annexed territory and that the territory is no longer subject to the initiated county zoning ordinance." (681)

FACTUAL BACKGROUND

Lawrence County and property owners petitioned for voluntary annexation of approximately 2,000 acres known as Centennial Valley into the City of Spearfish. The territory included the Lawrence County Airport, ranches, and other property and shared a border with Spearfish. The city calculated the territory's value using, among other things, the insured value of the county-owned airport hangar, and approved annexation and concurrent zoning after public hearings. The applicants opposed the annexation and challenged the valuation, contiguity, and zoning consequences.

PROCEDURAL HISTORY

The City of Spearfish approved a voluntary annexation petition, zoning ordinance, and rural service district designation for approximately 2,000 acres in Centennial Valley. The applicants sought a writ of certiorari, arguing that the city and county improperly valued the territory, that the territory was not contiguous, and that the zoning change violated an initiated county zoning ordinance. The circuit court upheld the annexation after excluding the value of privately owned airport hangars but including the insured value of the public hangar; the applicants appealed.

DISPOSITION

affirmed

CASES CITED

- Peters v. Spearfish ETJ Planning Comm'n, 1997 SD 105, ¶ 6, 567 N.W.2d 880, 883
- Willard v. Civil Service Bd. of Sioux Falls, 75 S.D. 297, 298, 63 N.W.2d 801, 801 (1954)
- Ridley v. Lawrence County Comm'n, 2000 SD 143, ¶ 5, 619 N.W.2d 254, 257
- City of Rapid City v. Anderson, 2000 SD 77, ¶¶ 7, 10, 12-13, 612 N.W.2d 289, 291-93
- Moss v. Guttormson, 1996 SD 76, ¶ 10, 551 N.W.2d 14, 17
- City of Marion v. Rapp, 2002 SD 146, ¶ 5, 655 N.W.2d 88, 90
- Save Centennial Valley Ass'n, Inc. v. Schultz, 284 N.W.2d 452, 454 (S.D. 1979)
- State v. State Bd. of Assessment and Equalization, 3 S.D. 338, 53 N.W. 192 (1892)
- Douville v. Christensen, 2002 SD 33, ¶ 11, 641 N.W.2d 651, 654
- Spearfish ETJ Planning Comm'n, 1997 SD 105, ¶ 13, 567 N.W.2d 880, 885
- City of Phoenix v. State, 58 Ariz. 8, 117 P.2d 87 (1941)
- Thain v. City of Palo Alto, 273 Cal. App. 2d 400, 78 Cal. Rptr. 240 (1969)
- Johnson v. City of Spokane, 19 Wash. App. 722, 577 P.2d 164 (1978)
- City of Aberdeen v. Meidinger, 89 S.D. 412, 415, 233 N.W.2d 331, 333 (1975)
- Lyons v. Lederle Laboratories, A Div. of American Cyanamid Co., 440 N.W.2d 769, 771 (S.D. 1989)
- Tri County Landfill Ass'n, Inc. v. Brule County, 2000 SD 148, ¶ 13, 619 N.W.2d 663, 668
- Tri County Landfill Ass'n, Inc. v. Brule County, 2002 SD 32, ¶¶ 10-13, 20, 641 N.W.2d 147, 151-53
- Krebs v. City of Rapid City, 364 N.W.2d 128, 130-31 (S.D. 1985)
- Big Sioux Township v. Streeter, 272 N.W.2d 924, 926 (S.D. 1978)
- Lincoln County v. Johnson, 257 N.W.2d 453 (S.D. 1977)
- Ben Lomond, Inc. v. City of Idaho Falls, 92 Idaho 595, 448 P.2d 209, 212 (1968)
- Taylor v. Bowen, 272 N.C. 726, 158 S.E.2d 837, 839 (N.C. 1968)
- City of South San Francisco v. Berry, 120 Cal. App. 2d 252, 254, 260 P.2d 1045, 1046 (1953)
- Louisville & Jefferson County Planning & Zoning Comm'n v. Fortner, 243 S.W.2d 492, 494 (Ky. App. 1951)

