ZONING & PLANNING - ALASKA

Griswold v. City of Homer

Supreme Court of Alaska - November 28, 2025 - P.3d - 2025 WL 3310228

City resident filed complaint against city for declaratory and injunctive relief, alleging city failed to comply with procedural rules and statutory notice requirements when enacting ordinance that removed certain permitting requirements.

The Superior Court granted city's motion for summary judgment and motion for prevailing-party attorney fees, and denied resident's motion for summary judgment and motion for in camera review. Resident appealed.

The Supreme Court held that:

- Provisions of city code governing how city moved zoning amendments through legislative process was directory, such that only substantial compliance was required;
- City planning department substantially complied with city code provision that established criteria for evaluating amendments to city zoning code;
- Staff report substantially complied with provision of city code that required department to present city planning commission its comments;
- City planner's memo substantially complied with code provision that required commission to provide written recommendations regarding amendment proposals;
- City did not lack legitimate public purpose in enacting ordinance, as would violate substantive due process;
- City was prevailing party that could recover prevailing-party fees; and
- Resident's claims were not all constitutional claims, as would be protected from adverse award of attorney fees for prevailing parties.

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