

NOTICE

Memorandum decisions of this court do not create legal precedent. A party wishing to cite such a decision in a brief or at oral argument should review Alaska Appellate Rule 214(d).

THE SUPREME COURT OF THE STATE OF ALASKA

JOAN PRIESTLEY,)	
)	Supreme Court No. S-18322
Appellant,)	
)	Superior Court No. 3AN-20-07499 CI
v.)	
)	<u>MEMORANDUM OPINION</u>
MUNICIPALITY OF ANCHORAGE,)	<u>AND JUDGMENT*</u>
)	
Appellee.)	No. 2088 – April 30, 2025
)	

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Gregory Miller, Judge.

Appearances: Joan Priestley, pro se, Anchorage, Appellant. Quincy H. Arms and Jason A. Thomas, Assistant Municipal Attorneys, and Blair M. Christensen, Municipal Attorney, Anchorage, for Appellee.

Before: Maassen, Chief Justice, and Carney, Borghesan, Henderson, and Pate, Justices.

I. INTRODUCTION

The Municipality of Anchorage rezoned a large parcel of land in the Upper Hillside area to allow residential building on smaller lots. A neighboring landowner sued the Municipality, challenging the sufficiency of the rezoning process. The superior court granted summary judgment to the Municipality. Because there are no

* Entered under Alaska Appellate Rule 214.

Weddleton had publicly stated policy positions and engaged in fundraising in order to achieve and remain in elected office did not convert his public interest into a private one.

Even assuming that this circumstance shows a financial interest in the expansion of Anchorage homebuilding, it was of low significance in both amount and personal importance, and it was not immediately tied to the ordinance under consideration. At the time that the vote took place, Weddleton was running unopposed to retain his seat on the Assembly. In the first two weeks of March, he raised less than \$6,000 from Anchorage homebuilders for this uncontested election. The link between his fundraising activities and the Assembly's vote is attenuated at best. There is no evidence that he raised money on the specific promise that he would vote for the ordinance at issue, nor is there evidence that members of BCE contributed to his campaign or attended the fundraiser that Priestley flags as significant. In short, Weddleton's interest is neither narrow nor specific, and there is no strong connection between his interest and the result of the vote.

Because there is no evidence of a conflict of interest requiring disclosure to the Assembly, the superior court did not err by granting summary judgment to the Municipality on this claim.

F. The Ordinance Did Not Constitute Illegal Spot Zoning.

Priestley argues that her amended complaint sufficiently alleged that the ordinance constituted illegal "spot zoning." "[S]pot zoning is 'the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.'"³² In *Griswold I* we said that when a court is deciding whether an

³² *Griswold I*, 925 P.2d at 1020 (quoting 1 ROBERT M. ANDERSON, AMERICAN LAW OF ZONING 3D § 5.12, at 359 (1986)).

ordinance constitutes spot zoning, it must consider “(1) the consistency of the amendment with the comprehensive plan; (2) the benefits and detriments of the amendment to the owners, adjacent landowners, and community; and (3) the size of the area ‘rezoned.’ ”³³ We noted that “[p]erhaps the most important factor in determining whether a small-parcel zoning amendment will be upheld is whether the amendment provides a benefit to the public, rather than primarily a benefit to a private owner.”³⁴

Priestley focuses her argument on the second factor: the benefits and detriments of the rezoning. She argues that “Anchorage has no need for denser housing development in the Hillside area” as shown by her “detailed and consistent, objective evidence.” But the Assembly found otherwise, based on the recommendations of the Planning and Zoning Commission, determining both that the ordinance was consistent with area and municipality-wide land use plans and that increased “housing of all types” would benefit the general public. There is significant evidentiary support for these findings in the public testimony and letters supporting the rezoning, particularly from residents hoping to find smaller, more affordable lots in the Hillside area.

As reflected in our discussion of the rezoning criteria in AMC 21.03.160(E), above, we conclude that the Assembly appropriately considered the benefits and detriments of the proposed rezoning and reached a decision, sufficiently supported by the evidence, that the rezoning benefited the public. The superior court did not err by granting summary judgment to the Municipality on Priestley’s spot zoning claim.

³³ *Id.*

³⁴ *Id.* at 1022.