

# Hearing Examiner

**The Question:** Is there interest in using a hearing examiner for quasi-judicial applications instead of the Planning Commission?

- **Usually a hired land use attorney**
  - Planning Commissions and City Councils are not trained in complicated land use laws
  - Less likelihood of appearance of fairness problems
- **Reduces liability**
  - The courts will not apply a lesser standard, because it is written by a citizen board
  - Land use decisions expose the city, staff and the individual decision-makers to liability
  - Appeals of land use decisions are frequently accompanied by damage claims
- **Cost**
  - The expensive should be weighed against the cost in land use appeals and damage claims
  - Cost covered by applicant
- **Does not mean the City Council no longer has a say in local decision-making**
  - You still make the rules
  - Removing the quasi-judicial roles, means less restrictions on opinions/testimony
- **Used by a majority of cities for the above reasons**
- **Recommended by Carol Morris, legal counsel**

Thoughts?

