MEDIATION
for
Land Use Planners

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What is mediation?

What skills are involved in mediation?

Where and how can planners use mediation?
Overview of Mediation

Mediation Elements
-- Voluntary Process
-- Party Self-Determination
-- Mediator Impartiality
-- Confidentiality

Types of Mediation
-- Evaluative
-- Facilitative
-- Transformative
Mediation Process

- Convening
- Opening
- Information Gathering
- Deliberations/negotiations
- Conclusion & Agreement Writing
- Importance of one-on-one Communication
Mediation Skills

- Respectful communications
- Active listening
- Interest based negotiations
- Reframing
- Power balancing
- Trust building
Areas Conducive to Mediation

- Policy making
- Citizen Participation
- Code Enforcement
- Alternative to Litigation
Innovative Approaches

- Deliberative Democracy
- Collaborative Policy Making
- Community Mediation Centers
Innovative Approaches: Deliberative Democracy

- Focus: Face-to-Face Deliberation
- Major Features Include:
  -- Informed Public
  -- Joint Critical Thinking
  -- Generation of Options
  -- Enlargement of Perspectives
Deliberative Democracy, con’t

- Applied to:
  -- Forums and Meetings
  -- Deliberative Polling
  -- Planning Cells
  -- Public Meetings
  -- Face-to-Face Gatherings, Whether Large or Small
  -- On-line Discussions
Innovative Approaches: Collaborative Policy Making

- **Focus:** Consensus Driven Dialogue for Diverse Audience
- **Major Features Include:**
  - Participation by all Stakeholders
  - Self-Organization
  - Deliberations focus on Interests
  - Joint Fact Finding
Collaborative Policy Making, con’t

- Applied to:
  - Public Policy Consensus Building
  - Community Visioning
  - Consensus Rule Making
  - Specific Issues:
    1. Growth Management
    2. Transportation Planning
    3. Water Policy
    4. HCPs
    5. Land Use Planning
Innovative Approaches: Community Mediation Centers

Focus: Community Empowerment

Major Features Include:

-- Mediators who are trained volunteers
-- No or low cost DR services
-- Constructive environment for:
  1. Active listening
  2. Dialogue regarding interests
-- Community education
-- Forum for early dispute resolution
Community Mediation Centers, con’t

Applied to:

-- Neighborhood Concerns
-- Controversies re Planning and Development
-- Public Policy Controversies
Finding the Right Mediator

- Make Basic Assessment:
  -- Client Objectives
  -- Nature of Conflict
  -- Underlying relationship between:
    1. Parties
    2. Planner and Attorney/Officials
Finding the Right Mediator, con’t

- Assess Mediator Styles/Orientations regarding Process or Substantive Issues
  -- Evaluative/Directive
  -- Facilitative/Elicitive
  -- Transformative