

***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