

## **RESOURCES FOR LAND USE MEDIATION**

### **Mediation in Land Use Matters**

Mediation can provide a valuable tool for the resolution of many land use disputes. Land use disputes are costly and time consuming for all parties. Mediated agreements reduce the cost and delay associated with administrative and judicial appeals. They also allow the resources otherwise devoted to conflict to be put to better use, to produce a project with higher quality design and increased environmental protection, or a regulation that better serves the interests of all stakeholders. Yet, the use of mediation in land use matters is rare.

### **WSBA/KCBA ADR Focus Group**

The Washington State Bar Association and King County Bar Association Alternative Dispute Resolution Sections have formed a Focus Group to examine the role of mediation in land use disputes. The Focus Group has identified the scarcity of trained mediators with land use expertise as one barrier to the use of mediation in land use matters. As a result, the Land Use Mediation Focus Group is compiling a list of land use practitioners interested in serving as mediators.

### **Mediator Qualifications**

Mediators will have at least 40 hours of basic mediation training. Basic mediation training is available from a number of providers, including the University of Washington Professional Mediation Skills Training (<http://www.law.washington.edu/clinics/mediation>), government sponsored dispute resolution centers (see the training resource list on the Washington Mediation Association web page, <http://www.washingtonmediation.org/organizations.html>) and private mediators, including Alhadeff & Forbes ([http://www.mediationservices.net/training\\_services.html](http://www.mediationservices.net/training_services.html)).

In addition, mediators will have significant experience with land use disputes. Land use disputes include disputes relating to private residential, commercial or industrial development proposals; the adoption or amendment of comprehensive plans, zoning, critical areas regulations or shoreline regulations; annexations; and public infrastructure projects.

There are a number of other types of disputes that relate to property but are not considered land use disputes by the Focus Group because they are primarily about the payment of money. These disputes include, for example, who should pay for the cleanup of contaminated property, whether a builder is liable for construction defects, or whether a government entity charged too much in development fees. Real property disputes between two private property owners, such as those involving boundary lines or easements, are also not considered land use disputes.