Best Practices for Dealing with Common Land Use Dispute Dilemmas

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Agenda

2:45  Common Land Use Dilemmas
3:00  Exercise: Sweetwater
      Participants identify common negotiation challenges and solutions
3:45  Key Insights and Ideas
4:00  Adjourn
Brainstorm….

- What are some common problems encountered when managing public land use planning processes?

- Participants’ experiences?
Three big ideas

- Planning dilemmas often have their origins in process design
- Many process problems are predictable (i.e. “predictable surprises”)
- There are no cookie cutter answers (because context matters)

But there are proven principles, tactics, and strategies.
Some common dilemmas...

- Unclear roles among Public Officials
- Coordinating across multiple jurisdictions (with conflicting mandates!)
- Managing complex scientific and technical Information
- Dealing with “difficult people”
- Reaching closure (i.e. knowing when and how to pull-out)
- Engaging the broader community and unaffiliated citizens
Sweetwater Exercise

Small group analysis of common problems in an inter-mountain west land use planning process

Read scenarios and discuss as group:

- What’s the challenge or problem presented?
- How can it be addressed?
- What are some best practice insights?
Best practice insights / lessons

• [for real time development with group]
Best practice Handout follows
The Multiple Roles of Public Officials at the Table

Decision-maker (Convener)

Technical Expert

Stakeholder
Public Official as Convener

Best practice

• Initiate the forum
• Provide an opportunity for meaningful dialogue
• Provide logistical support
• Set a respectful, optimistic tone
• Help frame the issues for discussion
• Provide legitimacy and authority
Public Official as Technical Expert

Best Practice

• Demonstrate a willingness to work together
• Be open-minded, willing to listen, to teach and to learn
• Contribute scientific and technical information
• Contribute other resources
Public Official as Stakeholder

Best Practice

• Articulate your interests and priorities, including those of the broader public interest
• Articulate the sideboards or constraints you are faced with -- time, money, legal mandates, information, etc.
• Ensure that any agreement is consistent with the laws and regulations
• Ensure that any decisions can be defended and implemented within the agency.
1) Clarify the Source of the Dispute

- Lack of data?
- Disagreement over the nature of the problem?
- Different approaches to collecting and analyzing data?
- Competing interpretations of what the data mean?
2) Remember the **Principles:**

- Scientific and technical information is a “necessary” but “insufficient” ingredient.
- Experts and expertise are important, but the stakeholders **must** understand scientific and technical issues to ensure implementation.
- The “scientific method” is only one way of knowing.
3) Define Strategies to Manage

• Agree on what you know, don’t know, want or need to know.

• Clarify the nature of the dispute - identify areas of agreement and disagreement

• Agree on what level of uncertainty is acceptable.

• Invite outside technical experts
  • Multi-disciplinary panels
  • Independent fact finder
  • Peer review
Best Practice for Managing Scientific and Technical Information

( Strategies cont’d )

• Conduct joint fact-finding
  • Create a subcommittee with technical expertise
  • Agree on what questions should be asked
  • Jointly review draft studies
  • Ask more questions
  • Articulate the worst case scenario

• Seek out precedents

• Adopt a learning, adaptive attitude
  • Use contingent agreements
Dealing with Difficult People

**Best Practice**

- Validate their viewpoint
- Clarify the interests motivating the behavior
- Enforce the ground rules
  - Establish a culture of integrity early and often
- Conduct a round-robin discussion to focus on accomplishments
- Call a time-out; meet privately with the person
Strategies for Reaching Closure

Best Practice

• Call a break. Let people cool off
• Acknowledge the person’s frustration and clarify the nature of the concern
• Remind them of their “rights” and “responsibilities” for participation
• Is it possible to create “contingent agreements?”
Reaching Closure (cont.)

Best Practice

• Clarify areas of agreement and disagreement; how to resolve disagreements?
• Consider majority and minority reports.
• Discuss the consequences of partial agreement.
• Include a provision in ground rules on how to deal with this type of situation
Possible Reasons to Pull Out of a Dialogue Process

- Progress is too slow / too many disagreements
- Ground rules not being followed or enforced
- The objectives changed and no longer address your interests Views are not being heard or incorporated
- Not having much influence
- Better options away from the table
- Unwise use of time given your interests
- Consequences of staying are worse than leaving
- Right people are not at the table
- Some people are not participating in “good faith”
- Sense preconceived outcome
Strategies for Pulling Out?

- Acknowledge accomplishments
- Clarify your concerns (process, substance, behavior)
- Offer solutions or conditions under which you would be willing to continue participating
- Validate concerns and explore options with the facilitator
- Give other participants a chance to respond
- Carefully consider the consequences of withdrawing
  - Opportunity to learn
  - Relationships
  - Long-term influence on framing a problem or solution
- Inform other participants, in writing, of your reasons for withdrawing
- Anticipate and address the public perception of your withdrawal
- Leave strategically, not angrily
Strategies for Engaging Unaffiliated Citizens

Best Practice

• Use multiple means
  • Newsletters
  • Editorials
  • Open Houses
  • Public Hearings
  • Citizen Panels/Juries
  • Web-based technologies

• Move from informing and educating to engaging in dialogue
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