

Vermont Selected for Pilot Project to Integrate Mediation Into Land Use Permitting Process

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Green Mountain Environmental Resolutions (GMER) of Moretown, Vermont and the Consensus Building Institute (CBI) of Cambridge, Massachusetts have been awarded a grant from the JAMS Foundation to fund a pilot project aimed at integrating mediation into the land use permitting process. GMER/CBI will screen and evaluate local zoning and Act 250 land use cases in Vermont to determine their appropriateness for mediation and analyze the results to develop a set of best practices. The project will conclude with the publication of a white paper and program curriculum to be widely disseminated throughout the U.S.

The Orton Family Foundation will consult with GMER and CBI in developing the screening and evaluation questions based on their experience integrating innovative technologies and engaging the public early and often in the land use planning process. The Lincoln Institute of Land Policy will also support the effort as part of their on-going interest in resolving land use disputes nationwide.

While the project will focus on local land use decision-making in Vermont, its overarching purpose is to serve as an innovative model for the local land use decision-making process across the country. The manageable size of Vermont, its diversity of small cities and rural towns, and the strong development pressure, all make Vermont an ideal location in which to experiment and learn how to better integrate mediation into all levels of land use decision-making.

For the past six months, GMER has been providing mediation screening for the Act 250 District Commissions with funding from the Windham Foundation. The grant from the JAMS Foundation will enable GMER/CBI to expand the project to include local zoning permit disputes from select cities and towns.

Although mediation has successfully resolved many land disputes, on a national level, its use has been ad hoc at best, applied from jurisdiction to jurisdiction as inclination and resources determine. According to Matt Strassberg founder of GMER, "this project strikes a balance between the status quo which

ignores the benefits of mediation and requiring mediation in all cases which is overly resource intensive. The mediation screening involves brief confidential interviews with the parties which does not add another layer of process and is an effective tool in weeding out cases where engaging in mediation would be a waste of everyone's time."

Pat Field stated that "CBI is excited to be working on this project. The JAMS Foundation only funds alternative dispute resolution projects with a national impact. The JAMS Foundation's interest in this project demonstrates that it is an innovative program that could increase the use of mediation in the land use decision making process on a national level."

GMER was established in 2005 to provide mediation, facilitation, early neutral evaluation and permit consultation services to parties in environmental and land use disputes. GMER also works with governmental agencies, permitting bodies and courts to develop and integrate mediation programs for environmental and land use disputes. GMER was founded on the premise that all environmental and land use permitting cases need not be adversarial proceedings that end up in costly and protracted litigation.

The Consensus Building Institute (CBI) is a Cambridge based non-profit organization dedicated to improving the theory and practice of consensus building in government and society around the world. CBI works with public and non-profit organizations around the country and internationally on public policy issues, organizational partnership and strategies for organizational change. CBI has a proven track-record of helping diverse parties tackle tough disputes, resolve differences, build agreements, and implement those agreements successfully. CBI specializes in environmental, land use, health and safety issues and a variety of community building initiatives working with foundations, government agencies and local government.

The non-profit JAMS Foundation was established by JAMS, The Resolution Experts, the nation's premier provider of alternative dispute resolution services, and is funded by JAMS mediators, arbitrators and employee associates who contribute a percentage of their income.

The Orton Family Foundation is a Vermont- and Colorado-based operating foundation that seeks to transform the land use planning system as a pathway to vibrant and sustainable communities. In partnership with non-profit organizations, local and regional planning agencies and others, the Foundation helps engage and empower people to make land use decisions inspired by their community's heart and soul. For more information, visit www.orton.org.