Framing the Oregon Land Use Debate: An Exploration of Voters’ Pamphlets, 1972-2007

Ellen M. Bassett,
Portland State University
Portland, Oregon USA
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Overview

• Oregon: the Politics of Land Use Planning
• Research Project in Brief
• Theoretical Frame: Cognitive Linguistics
• Research Questions
• Findings
• Conclusion
Geographic Orientation
A local function with powers derived from state constitutions and legislation

**Oregon is different**
- Central role for state government
  - Statewide goals, state review of local plans, oversight bodies
  - Highly regulatory system (e.g., EFU, UGB)
- Tradition of “Direct Democracy”
  - Petition initiatives/ballot measures that create or overturn state legislation
The Politics of Land Use

- **Inevitable**: ballot measures are used to challenge system
  - 7 times since 1972; other failed attempts

- **Recent challenges**:
  - **Measure 7** *(2000)* = compensation for regulatory impacts of land use laws (invalidated by courts)
  - **Measure 37** *(2004)* = pay or waive, applies retroactively to land owned prior to SB100
  - **Measure 49** *(2007)* = allows limited development; mitigates excesses of 37
Examinined Oregon’s ballot measures over time

Focus: language
- How we talk about land and property rights in the public realm
- Data: Official Voters’ Guides

Method: content analysis

Theoretical frame: cognitive linguistics, George Lakoff
**Lakoff**

**Humans have frames through which they (we) perceive the world**

Language is not neutral: “all words are defined relative to conceptual frames”

**Metaphor is important**

More than style or turn of phrase, we interpret the world in terms of something else.

Argument = war

**People don’t vote on facts or self interest, they vote values**

Winning = speaking to values

3 levels of frames

**Two world views / value systems in US politics**

“Strict Father Morality” (“yo-yos”, social conservatives)

“Nurturant Parent Morality” (“witts”, progressives)
Research Questions

• Recurrent political struggle:
  – *Have the terms of the land use debate changed over time?*

• Importance of values:
  – *How do the opposing sides present their arguments?*

• Role of “framing” in American politics
  – *What role, if any, might messaging and framing have played in the electoral outcomes in Oregon?*
Findings

• Two distinct debates
  1. Locus of control (3 challenges)
  2. Impacts of the system (last 3 challenges)

Graph 1: Overview of Voter’s Pamphlets: Total Arguments and Arguments by Type

<table>
<thead>
<tr>
<th>Date and Initiative</th>
<th>Total Arguments Made</th>
<th>Arguments Opposing Planning</th>
<th>Arguments Supporting Planning*</th>
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<tr>
<td>Nov. 1970, 11</td>
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<td>Nov. 1976, 10</td>
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<td>50</td>
<td>10</td>
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<td>Nov. 2004, 47</td>
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<tr>
<td>Nov. 2007, 49</td>
<td>100</td>
<td>90</td>
<td>10</td>
</tr>
</tbody>
</table>
Findings

• 37 themes raised over 7 ballot measures
  – Earliest themes held across time
    • E.g., protect and preserve, fear of special interests, Oregon pride

• Use of metaphor limited
  – Mother: Sauvie Island nourishes...
Findings

Nurturant Parent:

• Pro-planning arguments fairly good fit
  - Protect: “the Oregon land use system protects our family farms and livelihoods”
  - Legacy: “Due to our good land use planning, our families will enjoy the beautiful Oregon countyside for generations.”
  - Democracy: “The system ensures that all interests are provided for in development.”
Findings

Strict Father Morality:

• Early property rights arguments fit is less good
  – Stress that “we’re not anti-planning” but that LCDC has “literally crushed local control under its bureaucratic boot.”

• Later measures better fit:
  – Individual impacts and the little (hardworking, disciplined) guy bearing costs, rules of the game being changed
Example Arguments

Irrational Regulation
Little Guy Bears the Costs
Story Telling

Argument in Favor

Jim Parker

My wife and I own a home on 1.5 acres located in Beaverton, Oregon. We have owned the property for 39 years. When we purchased our home, one of the unique features was a creek on the property. Approximately four years ago the City of Beaverton came up with a plan that was intended to protect wildlife habitat in the stream.

Originally, Beaverton’s plan was to redirect the creek to an area of my property that was considered to be a wetland. However, the city changed its mind and diverted the creek elsewhere, along a nearby road. As a result, the creek bed on my property is now dry and the wetland is hardly wet at all. But this was just the beginning of our problems.

Despite the fact that my property no longer has an active creek running through it, nor does it have a “wet” wetland on it, Metro recently mapped our home as “wildlife habitat” and is considering placing severely restrictive environmental overlay zones on nearly all of our property.

The irony of our situation should not be lost. There is no “wildlife habitat” on our property because the City of Beaverton dried up the creek! Nevertheless, we are going to lose all of our rights because the government wants to protect wildlife habitat! If the government wants to protect habitat, the City of Beaverton shouldn’t have dried up the creek.

And who is going to pay for this? My family. We are going to have to bear the burden of the cost of preserving this “habitat”. We won’t be allowed to “disturb” any of our property because doing so would disrupt the non-existent wildlife on the dry creek bed.

Ballot Measure 37 will protect people from ridiculous regulations by protecting the rights you had at the time you bought your property. Please join me in supporting Ballot Measure 37.
Example Arguments

Argument in Favor

My Vote for Measure 37 was a Mistake

In 2004, I voted for Measure 37 because I thought it was a vote for the little guy. But now I know that I made a terrible mistake.

I voted for Measure 37 because I understood it was for families to provide for immediate family members. I didn’t know it was going to allow big timber corporations to turn forestland that doesn’t even have a home on it into large subdivisions.

That’s NOT what I voted for. And now I’m experiencing it first hand.

My husband and I live on 44 acres of productive farmland in Linn County. We grow grass seed and hay and raise goats. We also grow a variety of vegetables that we sell to local restaurants. Our house has been on this special spot of land since the 1880’s.

Our land is bordered by one of the thirty-one Measure 37 claims filed by Timber Services Inc. This large timber company wants to take 4000 acres of Linn County forest land and turn it into large housing subdivisions.

Subdivisions are not good neighbors for farms. We’re very concerned about the impact on our groundwater. Increased traffic around animals and farm equipment is a public safety concern. Productive timberland should remain as a natural resource, not converted to subdivisions just because a timber company can make more money as a developer.

Measure 37 goes too far. It has opened the door to massive development on some of our most valuable land.

We were duped!

What about our property rights?

Special interests
Example Arguments

‘They’ll just take it”
Special interests
Only lawyers will be fat and happy…

Argument in Opposition

The Oregon State Grange, Rural Oregonians, and Oregon Farmers Ask You To
Please vote No on Measure 49.

Tell the Politicians and Special Interests NO! – we have already voted to protect our homes and property 3 times on statewide ballot measures since 2000. How many more times do we have to say it - Stop Trying To Take Our Homes and Property!

Measure 49 is a deceptive Measure that makes dramatic changes to Oregon law.

Not only will Measure 49 allow government to take your home and property without compensation, if approved Measure 49 will:

- allow government to change the rules after you buy your property to take away rights that you paid for.
- allow you to be sued by anyone in the United States if you try and defend your property from government taking.
- force you to pay lawyers and appraisers to defend your property, and you will also have to pay the government’s lawyers and appraisers who are trying to take your property from you, even if you win!
- change the rules for people who have already received approval to build a home or two on their property. Despite what Measure 49 supporters claim, Measure 49 will not let these people build a home or two on their property.
Findings – Regulatory Takings Measures

• “Fairness” (Level 1) first appears with Measure 7, 2000
  – Stories of aggrieved property owners by proponents of measure

• Pro-planning arguments (37):
  – Little use of values (Level 1)
  – Repetitive use of policy details and fiscal impacts (Level 3)
Findings – Values

- Lakoff’s world views
  - **Fairness: brilliant tactical value**
  - Appeals to both strict father moralists and nurturant parents

- “Fairness card” flips with M49
  - Unfairness of M37; the little guys lose, the big guys win
  - Property rights advocates resort to facts, play on fear of special interests
    - Only 3/48 arguments tell stories
Conclusion

• Need an appropriate language for contemporary planning
  – Should not avoid values

• Chief challenge: language of individualism dominates
  – Example: American Planning Association campaign “property fairness”
  – Evokes an unspoken word: “private”