

4. "Effective date" shall mean the date upon which a judgment is entered by a Court which includes this Stipulation and Agreement.

5. "Maintain" shall mean the ownership and operation of a billboard.

6. "Level 1 visual backing" shall mean a billboard situated so that it is parallel to, and within eight feet of a wall, while not extending beyond or above that wall.

7. "Level 2 visual backing" shall mean a billboard situated so that when viewed from the entire length of the thoroughfare towards which the billboard is oriented, adjacent or nonadjacent buildings or other structures form a visual backdrop so that no hillsides or open vistas are obscured from view.

8. A "painted billboard" shall mean a 14' x 48' billboard.

9. A "poster billboard" shall mean a 12' x 24' billboard.

A. DEFINITIONS

For purposes of this Agreement, the following terms shall be defined as set forth herein.

1. "Billboard" shall mean a sign face supported by a billboard structure and included in the inventory provided for in B(3) of this agreement or otherwise authorized by this agreement.

2. "Billboard structure" shall mean the structural framework which supports a billboard and included in the inventory provided for in B(3) of this agreement or otherwise authorized by this agreement.

3. "Relocate" shall mean the removal of a billboard structure which was included in the inventory provided for in B(3) of this agreement as being in existence on the effective date of this Agreement and the transfer of the permit authorization for the affected billboard or billboards to a new billboard structure or structures constructed and located in accordance with this agreement.

II. This is a Stipulation and Agreement entered into by the parties in settlement of and for the purposes of a stipulated entry of an order in the case of City of Portland v. Ackerley Communications, U.S. District Court Docket Nos. 83-1000/1001 RE.

III. The purposes of this Stipulation and Agreement are to settle and avoid litigation between the parties over the application and validity of City ordinances as they apply to billboards. The mutual covenants herein contained and the mutual desires of the parties to achieve the above-stated purposes constitute the consideration for this Stipulation and Agreement.

IV. The Company is currently engaged in the outdoor advertising business in the City and, as part of its business, owns and maintains structures commonly known as outdoor advertising signs and herein referred to as billboards which the Company rents, leases or otherwise makes available to others for the purposes of communications with the public. The Company now owns and maintains numerous billboard structures within the City containing outdoor advertising sign display faces; each sign display face constitutes a billboard as defined in this Agreement.

V. In consideration of the mutual agreements contained herein, the parties agree to the following provisions:

2 - STIPULATED JUDGMENT

Office of City Attorney, City of Portland
315 City Hall, Portland, Oregon 97204

331

End
Filed 6-17-86
ROBERT M. CHRIST, CLERK
By Sn
Deputy

Jeffrey L. Rogers, OSB #73253
City Attorney.
Paul C. Elsner, OSB #82047
315, City Hall
1220 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone: (503) 248-4047
Of Attorneys for Plaintiff

PORTLAND ARGUMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|--|---|----------------------|
| CITY OF PORTLAND, a municipal corporation, |) | |
| |) | |
| |) | |
| Plaintiff, |) | Civil No. 83-1000 RE |
| |) | Civil No. 83-1001 RE |
| v. |) | |
| |) | |
| ACKERLEY COMMUNICATIONS, INC., a Washington corporation, by and through C.T. Corporation System, its Registered Agent, |) | STIPULATED JUDGMENT |
| |) | |
| |) | |
| Defendant. |) | |

IT IS HEREBY ORDERED AND ADJUDGED THAT:

I. The provisions of this judgment shall apply to and be binding upon Ackerley Communications, Inc. and its agents, successors and assigns (hereinafter designated as "the Company") and upon the City of Portland, Oregon and its future agencies or instrumentalities (hereinafter designated as "the City").

1 - STIPULATED JUDGMENT

Office of City Attorney, City of Portland
315 City Hall, Portland, Oregon 97204



NEWSLETTER

April 1995

A NEW PORTLAND SIGN CODE

"Signs have become an integral part of the city and our lives. Signs, however, are controversial. They use the visual environment for communication and contribute largely to the attractiveness or ugliness of the city. There is a one-way conversation. One may choose to hang up a telephone, to own or not to own a television set but is given no such option with signs. They can neither be turned off nor tuned out from the individual's visual environment."

"Changes have been made through the years on an "ad hoc" basis. Portland's sign regulations, basically, come in two codes - the "Sign Code" and the "Planning and Zoning Code". The "Sign Code" is intended to describe what is a sign, how it may be erected and illuminated, and of what it may be constructed. The "Planning and Zoning Code" describes the uses of signs, within the various land use zones of that code. Superimposed upon the two basic sign codes are the "S" Zones for specific control of signs in any land use area, no matter what the construction or composition of the sign, and "D" Zones which are general design control zones, including buildings as well as signs". (From the Portland City Club Report on SIGN CODE REVISION, January 15, 1971)

The Supreme Court of Oregon, in 1965 upheld that aesthetics may be considered in the exercise of police power.

THE NEED FOR SIGNS

A. Business Identification Signs

Business Identification signs are almost as old as history. Early civilizations used signs to identify businesses and many examples have been found. In earlier times, when the general population was often illiterate, symbols were used for business identification. The barber's pole (a translation of blood and bandages), the three gold balls (from the Medici coat of arms) for pawn shops, the eyeglasses for the optician, and the tooth for the dentist were easily recognizable symbols suspended in front of the respective businesses for easy identification. Today, symbols are gaining greater favor for conveying instructions and identification in an accepted universal language - traffic signs, men and women restroom identification, etc. - to accommodate persons foreign to a locale who will understand symbols more readily than the local written language.

Every business has a right to identify the respective on-site product or activity. The question is "how much identification" and where the identification will be placed so as to not detract from the surrounding neighborhood. Business signs should receive the highest priority.

B. Public Information Signs

Next in priority to business signs are Public Information signs - traffic signs, etc. . These signs are necessary to the welfare of the traveling public using the public-right-of-ways. They should be placed in clearly visible locations and not be competitive with business and advertising signs.

Encouraging the beauty and livability of our city.

court test in Oregon, although Salem and Eugene as well as Portland and the State of Oregon have had billboards taken down by amortization during the 1960's and 1970's.

3. Raise the permit fees for billboards to be commensurate with the adequate administering of billboards.

Beaverton, Gresham, Oregon City and Ashland prohibit all billboards. Lake Oswego has never allowed billboards. Why should the City of Roses permit them or, at least, not drastically reduce them in number, size, and height and keep them entirely out of our special scenic places and away from our many hazardous traffic situations?

Tourism is Oregon's second greatest industry as visitors are attracted to Oregon's natural beauty and order. Many cities and states are recognizing that beauty can be the removal of ugliness which can translate into profound economic benefit. The reduction and control of billboards have been successfully accomplished in many parts of this country through citizen effort. The tourist oriented states of Hawaii, Vermont, Maine, Alaska, and Rhode Island have total prohibition on the placement of billboards.

Sincerely yours,

Keith Claycomb

Keith Claycomb
President - Oregon Roadside Council

OREGON ROADSIDE COUNCIL



P.O. Box 1537
Portland, Oregon
97207

To maintain
a central
organization
for individual
and group
effort toward
the preservation
and conservation
of Oregon's great
asset, her scenic
beauty.

To affect such
legislation as
will protect
the natural
scene along the
highways of our
State and to
cooperate with
other agencies
that have similar
objectives.

A BILLBOARD CRISIS

During the 1950's and 1960's the City of Portland enacted sign ordinances which included the control of billboards as "off-premise" advertising. At that time the majority of billboards in Multnomah County were owned by Foster and Kleiser and C.E. Stevens. These sign regulations prohibited billboards along the Banfield, I-5, and I-405 Freeways even before construction was started. New billboards were banned along all ten Willamette River bridge approaches and the Interstate Bridge across the Columbia River. Also additional billboards along N. Greeley Ave., Harbor Drive, Front Ave., Barbur Blvd., and McLoughlin Blvd. were prohibited. A generous period of 10 years in which the billboard companies could amortize their investments was allowed. Altogether 252 billboards were to be removed at no expense to the public during 1969 to 1978. In 1977, to meet the Downtown Plan goals and to enhance the appearance of Central Portland, the City Council prohibited new billboards and provided a 3 year amortization period for the removal of all 42 existing billboards in the downtown district. Although Foster and Kleiser and C.E. Stevens appealed every billboard whose amortization period was up, 130 billboards were removed, as required in 1970 and 1971.

By 1975, Foster and Kleiser's billboards had been sold to Ackerley Communications, Inc., who immediately filed suit in Federal Court. After 9 years of deliberation, the court said there should be no discrimination of sign regulations based upon the message displayed on the sign, therefore, the Portland regulations on billboards were improper as they were regulated as "off-premise" advertising.

Because of losing the court case, the City of Portland, Multnomah County, and Salem (whose billboard control ordinances were similar to Portland) were liable for paying Ackerley's attorney and court costs. \$130,000 was charged to the City. In order to avoid the \$130,000 an agreement was made by the City which (1) allowed Ackerley to "grandfather in" (make

Members of the Portland Planning Commission
1120 S.W. 5th Ave.
Portland, Oregon 97204

April 1, 1996

Re: Sign Code Amendments

Dear Commissioners,

I am writing to you with deep concern that an exceptional opportunity to bring about substantial and long needed changes to Portland's sign regulations will be lost if proper action is not taken by the Portland Planning Commission and the Portland City Council. On March 27, 1996, I attended the brief "Informational Hearing" on the amendments and was apprised by Planning Director David Knowles of the single hearing that would be held before the Planning Commission on April 9, 1996, and the three and one half minute limitation to be placed upon public speakers. I believe that adequate sign regulations are extremely complex, the problems should be evaluated visually, and a great deal more time, thought, and preparation should be given than has been allowed by the current "fast track" process announced.

I have prepared the accompanying packet of facts and comments in the hope that you can find the time to absorb the valuable historical information before deliberating the forthcoming proposed sign amendments. Obviously, there is too much information for me to offer in a time limited hearing, especially the visual representation of Portland's sign clutter.

If you have questions regarding the enclosed writings, I shall be pleased to offer comment by way of telephone or when I attend the scheduled Planning Commission meeting on April 9, 1996.

Sincerely,



Alex Pierce
650 N.W. St. Helens Ave.
Portland, Oregon 97229
292-4033

RECEIVED
PLANNING BUREAU
MAY 17 - 8 A 9 35

Douglas Klotz
2630 SE 43rd Avenue
Portland, OR 97206

April 8, 1996

Barbara Sack
1120 SW Fifth Avenue, Room 1002
Portland, OR 97204

Re: Proposed Sign Code Amendments

Dear Ms. Sack,

I would like to express my strong support for the proposed amendments to the Sign Code. The amendments are a step in the right direction for the city. The appearance and functionality of a city are interlinked. To build the compact, livable city we desire requires that all the elements be in an appropriate proportion to each other. As long as many of the streets in our city are dominated by huge billboards, aimed at drivers several blocks away, these proportions will elude us.

A sign-cluttered environment is distracting to drivers. Essential traffic-control signs get lost in the clutter. In addition, drivers are distracted from more important tasks such as watching for pedestrians.

I applaud the reduction in size of signs permitted in all zones, and especially the reduction in size in the CS zone. Portland's most pedestrian-friendly zone derives no benefit from huge signs far above the heads of pedestrians.

The arguments presented by the sign industry at the March 27 Informational Meeting seemed self-serving. This industry benefits by selling more and larger signs. Obviously they would oppose any restriction to this. However, just as the rest of the City's codes and regulations attempt to balance the welfare of the individual with the greater needs and desires of the City as a whole, these proposed changes will move us toward a more livable city, and will be supported by most of the people of Portland.

Sincerely,


Douglas Klotz

April 2, 1996

Barbara Sack
Bureau of Planning
1120 SW 5th, Room 1002
Portland, Or 97204

Dear Ms. Sack,

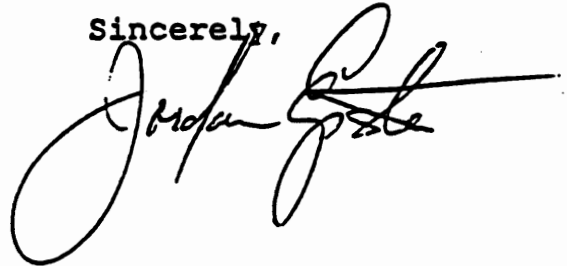
I write to you concerning the proposed amendments to the sign code, Chapter 33.286.

Reading the code, most of the amendments make sense and, in a very gradual manner, continue trends started in 1991. However, there are several items about which I would make different recommendations.

- (1) Go further in reducing maximum sign area and height. Reduce area to 150 sq. ft. or less in zones CO2, CG, EG1&2, etc. Reduce in all other zones to 50 sq. ft. or less. Reduce height to 15 ft. or less in all zones.
- (2) Do not allow signs into open areas and parks as noted on Table 286-3. One of the beauties of open areas and parks is that they are sign free. Please keep signs out of open areas and parks.
- (3) It is my understanding that all current signs will be grandfathered in and will not have to meet these new requirements. I strongly urge you to reconsider this and to set a moratorium on current signs. I recommend that all current signs be required to meet the new codes within 5 to 10 years. This gives sign owners plenty of time to change their signs.

Please incorporate these comments into the public record. Thank you very much for the opportunity to comment on this issue.

Sincerely,



Jordan Epstein
6243 SW 47th Place
Portland, OR 97221

Bark



CITY OF
PORTLAND, OREGON

BUREAU OF PLANNING

Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700
FAX (503) 823-7800

3.21.96

March 15, 1996

*I SUPPORT REDUCING
BUILDING SIGN
REDUCING SIZE, REDUCED CLUTTER
JH.B*

John H. Barker
Architect
3118 S.E. Taylor
Portland, OR 97214

3.21.96

Dear Friend:

I am writing to let you know about proposed changes in the city's sign code and some important meeting dates.

One of the challenges Portland faces in the next 20 years is assuring the livability of our community in the face of significant growth. Portland has historically valued good urban design and the enhancement of pedestrian-oriented commercial areas. These values will be even more important as the city implements the 2040 growth concepts citywide. One important element of well-designed commercial areas is signage. Portland currently permits relatively generous sign sizes and numbers. The Bureau of Planning has developed a proposal to reduce the permitted size and number of free-standing and building signs. In addition to the benefits of reduced visual clutter, an important reason to review the regulations now is the imminent expiration of a legal settlement agreement with Ackerley Communications. When this agreement terminates on June 17, 1996, all billboards will be subject to the sign code requirements in effect at that time.

The Bureau is holding a public briefing on the proposed code changes on March 27, 1996 at 7:30 pm, Portland Building, 1120 SW 5th Avenue, 2nd floor, Room C. You are invited to attend if you have questions or comments.

The Planning Commission hearing on the proposed changes is scheduled for April 9. You may testify at the hearing or submit written comments prior to that date.

If you would like a copy of the staff report or need additional information, please contact Barbara Sack at 823-7853.

Sincerely,

323

RECEIVED
PLANNING BUREAU

MAR 29 11:52

JOSEPH F. & DOROTHY A. HIGGINS
4668 S.W. Flower Place
Portland, OR 97221
503/244-4150

March 27, 1996

Ms. Barbara Stack, City Planner
Planning Support Group
Portland Bureau of Planning
1120 S.W. Fifth. Room 1002
Portland. OR 97204-1966

Dear Ms. Stack:

We are Portland residents that generally object to billboards and large signs. We specifically object to those that create safety hazards, block scenic views and are out of character with their surroundings. We also object to the cigarette and alcoholic beverage ads which appear to target young people.

Therefore, we strongly support the proposed amendments to the sign code that reduce the size and number and regulate the placement of billboards in the city.

We would like to see you go even further and eliminate all general advertising signs i.e. those not necessary to direct the public to or call attention to a business or attraction within the immediate vicinity of the sign. All other signs are either unnecessary duplications of messages that can be better presented by other media or are in some cases, such as cigarettes and alcohol ads, actually detrimental to the welfare of society.

Portland is still an attractive city but the gradual addition of billboards over the last ten years has eroded that beauty to a significant degree. It's time to take significant action to reverse that trend. The proposed sign code amendment is a good start but we wish you would take the really bold steps necessary to make Portland distinctively more attractive than other cities.

Sincerely,

Dorothy A. Higgins
Dorothy A. Higgins

Joseph F. Higgins
Joseph F. Higgins

March 9, 1996

Planning Commission
c/o David Knowles
Portland Bureau of Planning
1120 SW 5th Ave.
Portland, OR 97204

Dear Members of the Planning Commission,

In preparation for this June's end of the special billboard contracts which have regulated the signs for nearly ten years, the Planning Bureau has proposed a few "minor amendments" to the Sign Code. The regulations will make putting up a new billboard nearly impossible. Each existing billboard, however, will become a non-conforming use and will be grandfathered indefinitely.

I am seriously concerned about this grandfathering of existing billboards. This is an easy, though foolish, way out for the City. It does not address any of the real issues brought forward by either the billboard companies or the public.

At first it occurred to me that perhaps this was the best solution because it would allow the public to be the determining factor in whether billboards continued to exist. If the public did not like a billboard and were willing to exert pressure on the property owner who leased the site to the billboard's owner, we could start seeing some of the worst billboards come down. It seems likely, however, that as leases expire and billboard companies seek to renew them, the potential permanent loss of a billboard will encourage the property owner to demand a much higher price for lease of the location the next time around. That financial enticement will likely make it even harder for the property owner to be convinced by public pressure to ask that the sign be removed. Is this situation fair to the billboard company? No. Is the tug of war with the public fair to the property owner? No. Is it fair to the public? No.

Billboards, as big and ugly as they may be in some locations, are quite interesting and informative in others. They are relied on as an important advertising outlet and are a legitimate business. I do not believe it is appropriate to get all of them out of the city. Problems arise, however, when there is no discretion allowed for whether a billboard fits in to the area where it is to be located.

Chapter 33.286.010 of the City Code describes the purpose of the sign code. It says:

The regulations for signs have the following specific objectives:

- *To ensure that signs are designed, constructed, installed, and maintained so that the public safety and traffic safety are not compromised;*
- *To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties and promoting an attractive environment;*
- *To reflect and support the desired character and development patterns of the various zones and plan districts;*
- *To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and*
- *To ensure that the constitutionally guaranteed right of free speech is protected.*



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700
FAX (503) 823-7800

April 8, 1996

MEMORANDUM

BY: FAX

TO: Planning Commission

FR: David Knowles *David: ds*

RE: Agenda for April 9 meeting

A couple of quick notes in advance of the April 9 meeting.

City Council Breakfast: Please give some thought to issues you would like to discuss with the City Council during your meeting with them on April 16. Commissioner Hales is interested in a fairly informal meeting that provides both bodies with an opportunity to discuss more global planning issues as opposed to specific policy proposals. However, the Commission may have some specific issues it wants to discuss. I would like to inform the Council in advance about those issues of greatest importance to you.

Sign Code: The Bureau's proposed sign code amendments have attracted a good deal of attention. It is possible that the testimony will run beyond the two hours now scheduled. If so, the briefing on the Downtown Community Plan may be delayed so that the Commission meeting can end as close to the scheduled time of 4:00 pm as possible.

I have been discussing the proposed amendments with citizens and the sign industry. We are prepared to modify the proposal in some ways but will need direction from the Commission on the major issues. I will review the issues with the Commission prior to the beginning of the hearing. We are not asking for the Commission to act at this hearing.

TPR: During my director's report, I will update the Commission on the proposed bicycle parking requirements.

Please call me at 823-7717 if you have any questions.

**SCHWABE
WILLIAMSON
& WYATT**
P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1800
1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503 222-9981 • FAX: 503 796-2900 • TELEX: 650-686-1360

DONALD JOE WILLIS

March 27, 1996

RECEIVED
PLANNING COMMISSION
MAY 27 11 48 AM '96

Via Hand Delivery

Portland Planning Commission
Richard Michaelson, President
Doug Van Dyk, Vice President
Steve Abel
Sara ffitich
Paul Schuback
Noell Well
Rick Holt
Bruce Fong
Ruth Scott
c/o Barbara Sack
Portland Bureau of Planning
1120 SW Fifth Avenue, Room 1002
Portland, OR 97204

Re: Informational Meeting of Planning Commission
on Amendments to Chapter 33.286, Signs
March 27, 1996 7:30 p.m.

Dear Planning Commission Members:

This firm represents Ackerley Communications of the Northwest and has done so for some time.

I cannot personally attend the informational meeting, so on behalf of Ackerley, I object to the proposal being made by the City of Portland Planning Staff.

A review of the Sign Code Amendment Report proposed draft dated March 1996 makes it very clear that this is a "get billboards" proposal. That report notes at page 1:

"Over the last several decades the trend has been towards limiting the height, size, and number of signs so that they do not block or obliterate distinctive features of the urban environment or countryside; architecture of individual buildings, parks, open spaces or scenic views (omission).... these amendments continue that trend (omission)...."



PORTLAND ART MUSEUM

20 October 1994

Ms. Koren Spas
Director of Community Relations
Ackerley Communications
3601 6th Avenue S.
Seattle, WA 98134

Dear Ms. Spas,

On behalf of the trustees, staff and members of the Portland Art Museum, please accept our sincere thanks for your generous \$5,500 donation of billboard costs to the Portland Art Museum.

Your support is vital to the museum's ongoing success and allows us to plan for an exciting year of exhibitions and programs.

Again, let me thank you for your continued support of the arts in Portland, it is truly appreciated!

Sincerely,

John E. Buchanan, Jr.
Executive Director

JEB/mlb
Enclosures

OFFICE OF THE PRESIDENT



August 28, 1995

Ms. Koren Spas
Director of Community Relations
Ackerley Communications Group, Inc.
3601 6th Avenue South
Seattle, WA 98134

Dear Ms. Spas,

This past weekend Concordia University celebrated its change to university status (from "Concordia College") with a gala event and lots of hoopla. During the activities our, assistant vice-president, John Dillin, circulated pictures of two new bill-boards in Portland (enclosed).

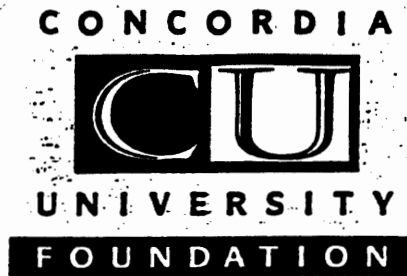
Thanks to you and the good people at Ackerley Communications we are able to support the Concordia transition over the next 12 months in a way we wouldn't have thought possible. Please share my personal gratitude with those responsible inside Ackerley Communications for this wonderful, generous expression of public service.

Gratefully,

A handwritten signature in cursive script, appearing to read "Charles E. Schlimpert".

Charles E. Schlimpert
President

cc: John Dillin



August 17, 1995

Koren Spas
Director of Community Relations
Ackerley Outdoor Advertising
3601 6th Ave South
Seattle, WA 98134

Dear Koren Spas,

On behalf of faculty, staff and students of Concordia University, thank you for your generous public service gift in kind valued at \$138,840.00 over the next 12 months. In return for your contribution, you have received no goods or services. Your continuing support will help Concordia be better positioned to meet the ongoing challenges of a responsive and innovative institution of higher education.

The opening of The Cedars, Concordia University's Conference and Environmental Study and 80 acre facility on the Clackamas River, provides many students with a keener appreciation of life on earth as well as use for a hydrology field experiment station. Additionally, a record number of new students enrolled as of September 1994, pushing Concordia's total enrollment to 1,101.

Your support of our efforts to fulfill a mission to provide a quality, value-oriented education is appreciated.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen Braun". The signature is written in a cursive style with a large, prominent "S" and "B".

Stephen B. Braun
Executive Vice President

Nentel Communications
Corporate Offices

March 22, 1996

Ms. Kate Ivory
Local Sales Manager
Ackerly Outdoor Advertising
715 NE Everett
Portland, OR 97232

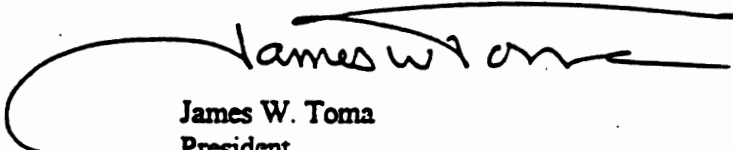
Dear Kate and the Staff of Ackerly Outdoor Advertising:

I am writing this letter to express how pleased I am with our billboard advertising. With just a small number of poster panels in the Portland area, we, at Nentel Communications, have experienced a tremendous influx of inquiries. Not only has the response been very gratifying, but the type of client, business decision makers, is one we have experienced difficulty reaching via other media. Several times, all 14 of our telephone lines have been "tied up" by inquiries from prospective customers who have just driven by one of our billboards!

Our billboards have given Nentel Communications immediate recognition and increased credibility. Most importantly, our outdoor campaign has put us on the map and even though we have been in business and growing for over four years, people now realize we are "for real". Because of this exposure, last year we were the 28th fastest growing business in Oregon (Business Journal, Dated June 1995) and we were just named the 8th largest reseller in the United States (Radio Communications Report, Dated March 11, 1996). I feel the #1 reason, Billboards!

Thanks again Ackerly!

Sincerely,


James W. Toma
President



BRIDGEPORT BREWING COMPANY

March 22, 1996

Kate Ivory
ACKERLEY OUTDOOR
715 NE Everett
Portland, OR 97232

Kate:

Talk about awareness ... impact ... visibility! BridgePort Brewing gained all three when we decided to break our new FIRKIN™ beer campaign on outdoor boards. It was a big decision (and a major expenditure for our microbrewery budget), but when we examined the media alternatives, we felt that using outdoor to get the message out about our new line of beers would be most effective. You didn't let us down. We were able to target our message to our consumers all over the city.

What's more, our foray into advertising was made easier by the patient informational meetings you conducted, the careful selection of outdoor locations and your understanding of our budget constraints.

We're looking forward to working with you on the next several months of outdoor advertising.

Sincerely,

Paula Fasano
Marketing Director
BRIDGEPORT BREWING COMPANY

March 28, 1996

Koran Spas, Director of Community Relations
Ackerley Outdoor Advertising
3601 6th Ave. South
Seattle, WA 98134



State Office for
SERVICES TO
CHILDREN
AND FAMILIES

Dear Ms. Spas,

I wish to thank you and your company for your contribution to seeking resources for Oregon's abused and neglected children. The impact of your signs have will have a significant long term benefit in helping these children to live in a safe and nurturing environment.

The recruitment of foster and adoptive homes will go a long way towards helping these children to become contributing assets to our society. Your efforts in this area are greatly appreciated.

Very truly yours,

Robert D. Crawford
Foster Care Program Coordinator



John A. Kitzhaber
Governor

Human Resources Building
500 Summer Street NE
Salem, OR 97310-1017
Salem - (503) 945-5651
FAX - (503) 581-6198
HRB 1017 (8/95)

NECDC

Jaki Walker
Executive Director
Board of Directors

April 4th, 1996

George Richardson, Jr.
Chairperson

Ronald May
Secretary

Helen Pittman
Treasurer

Marvin O'Quinn

Carl Talton

Jeanne Stachi

Steve Seabold

Shelley Faigle

Ron Herndon
Board Chair
Emeritus

The Portland Planning Commission
c/o Linda Birth, Planning Commission Secretary
1120 SW Fifth Avenue, Room 1002
Portland, Oregon 97204-1966

Dear Commissioner Abel:

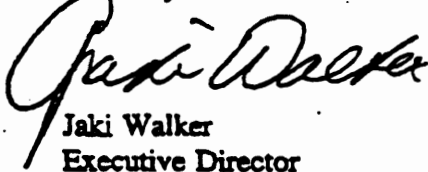
The Northeast Development Corporation (NECDC), is writing to urge your support in rejecting the new sign code amendments drafted by staff. Ackerly Outdoor Advertising Company, has been a supportive corporate partner and a company that has generously donated advertising to our agency, other non-profit agencies and community causes. We would be negatively impacted by the decision to pass the proposed new Sign code amendments.

NECDC, is a nonprofit, tax-exempt 501(c)(3), community based organization. Our mission is to improve the quality of life for the culturally diverse populations of inner/north and northeast Portland through community development activities.

Ackerly Outdoor Advertising is a company that, over the years has generously donated approximately, eight thousand dollars worth of advertising to our agency. Without the support of companies like Ackerly, it would be extremely difficult for agencies such as ours to effectively market programs and services to potential new homebuyers and community partners through outdoor advertising. A significant portion of the community outreach efforts that we undertake are a direct response to citizen requests for affordable housing and services. Ackerly has been a valuable community partner in helping us achieve our goals in reaching out to meet the needs of the community that we serve.

We urge you and the commission to reject the new Sign code amendments. Please do not take this medium from us. It is an irreplaceable community asset.

Sincerely


Jaki Walker
Executive Director

| | | | | | |
|------------------|----------|---------|-------------|------------|---|
| Post-It Fax Note | 7671 | Date | 4/9 | # of pages | 1 |
| To | Ackerly | From | Jaki Walker | | |
| Co./Dept. | | Co. | NECDC | | |
| Phone # | | Phone # | 292-5492 | | |
| Fax # | 232-7937 | Fax # | 292-9152 | | |

NORTHEAST COMMUNITY DEVELOPMENT CORPORATION
4114 N VANCOUVER AVENUE • PORTLAND OREGON 97217 • 503-282-8482 • FAX 503-282-9152

TOTAL P.01

312



METRO

March 29, 1996

Koren Spas, Community Relations Director
Ackerley Outdoor Advertising
3601 Sixth Ave. S.
Seattle, WA 98134

Dear Koren:

Thank you for your commitment to waste reduction and providing a "real life" opportunity for students in the Metro region to share their "Compost" and "Close the Loop" messages with people in Multnomah, Washington and Clackamas counties. The Billboard Design Project helped Metro's Waste Reduction Education Program reach nearly 3,500 students with in-school composting and waste prevention presentations. Over 540 students from 30 different schools submitted artwork for the billboard. In addition to giving students an opportunity to share what they had learned with the public, their work gave our program valuable information about the effectiveness of our presentations and curriculum materials.

The Billboard Design Project has also united Metro and community members in recognizing the contributions young people can make to their communities. Selecting the final design gave individuals whose work may not have given them an opportunity to work together a chance to discuss art, education and waste reduction in a collaborative atmosphere. The Billboard Project was a unique integration of science, social studies, and art that gave us opportunities to work with teachers and students whom we might not have otherwise had the opportunity to meet.

From my perspective, the educational value of "real life" opportunities comes through students developing "real life" solutions like putting a message on a billboard. We look forward to the additional calls to the Recycling Information Center your generous donation of \$145,800 in public service education will provide. I hope the students' artwork will help the community re-think their consumption and disposal habits. Portland is growing rapidly, and the solution of making less garbage is far better than beginning a search for new landfills!

I look forward to celebrating with the students, teachers, friends and families at Ackerley on April 16 at 3 pm during the first showing of the billboard. Teachers and administrators have already expressed their joy. A student recognized me in public and reminded me that students from her class designed the waste prevention billboard! The project has even made an impact on school pride and appreciation for the talents of fellow students.

April 4, 1996

To whom it may concern:

It has been brought to my attention that you are thinking about banning billboards.

Why? What harm do billboards do? They are colorful, informative, and a large part of Americana.

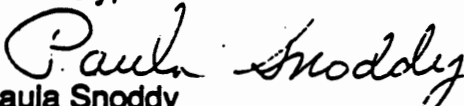
Not only do I enjoy them, but many people that I've asked do too. In fact, since this issue has come up, I've asked everyone that I have come in contact with, how they feel about billboards. Not one, let me repeat, not one of them said that they disliked billboards. Each person may have a different reason for liking them, but the bottom line is that no one dislikes billboards!

One person likes the information gleaned from billboards. Another says the advertisements break the monotony of freeway travel. Someone else said he likes to see the change of the seasons through billboards.

Please don't forget all the public service they do. For instance, domestic violence hot lines, red cross services, and other helpful services provided that one may need. Not to mention, personally speaking, that the little restaurant where I work at would certainly miss the business that the Ackerley employees give us on a daily basis.

If you want to beautify our lovely city, why not wipe out graffiti, not the billboards! Please take another look at this issue, and don't put these people out of work, or take away a colorful, and enjoyable way of advertising.

Sincerely,


Paula Snoddy

3211 N.E. 69th Ave.

Portland, Or. 97213

503-335-0745

Regarding - nearing to end of door advertising

Its a shame to take jobs away from
advertising companies + billboard sign workers

The signs are interesting + Im sure
generate business for merchants + products

I can't believe such an ordinance is
being considered. - whats the harm?

Kelly Hunsaker
2335 SW scenic Dr.
PORT ORE ORE 97225

297-7120

In regard to proposed end to billboard advertising

I object to such a law because

1. These signs bring visitors to advertisers
2. They are "America" & we have way too many such laws now.
3. I read them & prevent boredom while driving
4. Advertising agencies & billboard companies need more opportunity to work, not less.
5. Not 1 person I know wishes to do away with signs such as these.

Thanks for hearing my views.

Nolore J. Huwaldt
2335 SW. Scenic Dr.
Portland Or 97225

I've been informed that billboards
might be removed from Portland streets.

Don't do it! I like billboards.
If you want to beautify the city,
do something about the "Tagers" and
graffitti artists.

Lance Reynolds

1424 NE 63rd

Portland, Or 97213

and Mrs. John W. Metcalf
3115 S.E. Balboa Drive
Vancouver, WA 98683
360-944-9319

RECEIVED
PLANNING COMMISSION
APR 11 - 2 10 38

April 4, 1996

Board of Commissioners
Portland Planning Commission
1120 S.W. Fifth Avenue, Suite 1002
Portland, OR 97204-1966

Re: Sign Code Amendments

Dear Commissioners:

As the Executive Director of a non-profit organization, a Board member and officer of another, and former small-business administrator, I ask that you please consider the following when you soon review the Sign Code and its proposed revisions:

1. On-premise advertising is the most cost effective method of advertising for business. Without the ability to advertise on site, many businesses (particularly the small business owner) could not afford to advertise nor would the business be recognized by the passer-by.
2. Ackerly Outdoor Advertising has donated in excess of \$2 million in outdoor advertising space to community causes and non-profit organizations in the past 7 years. This type of assistance, enables non-profits to take giant steps toward their fund-raising and service-providing goals. With federal, state and local governments' cuts in social services in particular, the burden falls to the non-profit sector to bridge the gap. Every dollar of donated advertising is worth gold.
3. Outdoor advertisers have adhered to your regulations in a responsible manner. To change the "rules" would be unfair gamesmanship to those who support our greater metropolitan community. Good corporate citizens should be lauded and rewarded, not penalized.

The severity of the proposed amendments to the Code needs to be addressed and those amendments revisited to enhance and encourage the business community - not kill it.

Thank you for your serious consideration of the task before you.

Sincerely,


Ginger Metcalf



RECEIVED
PLANNING BUREAU

1996 APR -8 P 3:32

April 4, 1996

Portland Planning Commission:

I am writing to urge you to reconsider your plans to adopt the amendments to the City Sign Code. Ackerley Outdoor Advertising has graciously donated billboards the past two years for Portland Habitat for Humanity's annual event, The Walk for Humanity. Without the generous support of Ackerley, our organization would not be able to reach the general masses who drive and walk by billboards every day.

Thank you for your careful consideration of this request. The service that Ackerley provides to non-profits such as Habitat is invaluable.

Sincerely,

Shannon Snow

Publicity and Special Events Coordinator

Habitat for Humanity

PO Box 11527 Portland Oregon 97211 tel (503) 287-9529 fax (503) 284-5400

305

City Of Portland Planning Commission

4-8-96

Page # 3

While I do wish to keep the thrust of my thoughts on the matter related to the ethical considerations of these proposed changes, I also feel it is important to at least touch on the legalities of the situation in my opinion. First, will it serve any community positive purpose for the City to lock up in litigation with the sign companies and the business community ??? I believe this will unquestionably occur under these proposed regulations. I could (easily) write you an entire letter alone, just on the issue of "Grandfathering" of existing outdoor signage and the "reasonable" compensation necessary to remove same. This is NOT the first time these issues have come up as you know. I am NOT here to argue those issues, but I feel it important to simply state I believe under these proposed regulations there will surely be long, protracted and costly litigation for years to come. The benefit to the COMMUNITY from all that, in my opinion NO benefit.

There are a myriad of other logical reasons I believe we could provide you to consider, but for the sake of brevity and time we will end this letter with the following: I believe good decisions, those which benefit a community and its residents are those which have been CAREFULLY thought through and been given adequate TIME, with all the positives AND negatives thoughtfully balanced out. These proposed regulations are NOT balanced, they have NOT been given adequate TIME and CAREFULLY thought through, and while I am sure well intentioned, are destructive, harmful and not in the long term best interest of the community. Thank you for the opportunity to voice my deep concerns, and your consideration thereof.

Cordially,


Arnold Weiner

AW/gh

WEINER INVESTMENT CO., INC.

Arnold Weiser

President
7215 S.W. Montclair Drive
Portland, Oregon 97225

Telephone 803-344-5133
Fax 803-345-4327

4-8-96

City Of Portland Planning Commission
Care Of Linda Birth, Secretary
1120 S. W. Fifth, Room 1002
Portland, Oregon 97204-1966
Page # Two

I have no hesitation in stating that people retaining their jobs and their employment, and having a decent quality of life in our community is the MOST important issue in all of this. Has ANYONE (anywhere) done a study of any kind to determine how many JOBS would be lost, eliminated or phased out occasioned by these proposed changes??? What about all the individual EMPLOYEES of the advertising companies, such as Ackerley

Communications who will surely (many) lose their jobs, livelihood, and benefits?? Ackerley has been a good "citizen" to this community. They have donated as you know over two MILLION dollars in space to non profit and community operations in the past few years. They employ MANY Portlanders, and contract for even more goods and services (There's that old "triple down" effect of these proposed changes again) from local area contractors. We have grown to know many of the people at Ackerley over the years, and these people are FAMILY people, with the PORTLAND community spirit. Again, what about these people's JOBS??? I do not see a thing in anything I have viewed about these proposed changes which addresses anything relating to anyone's job or loss thereof. That fact is indeed very unfortunate.

There are many other areas that I would also respectfully ask you to consider. Most of those in the business community AND the public feel Ackerley has played fair and unquestionably ethically and honorably under the court enforced agreement over the past 10 years. As you know, that agreement has already limited the number and placement of signs. I do not fully understand why it is so important to immediately change the existing agreement so radically. Is this radical approach really the message we as a community want to be sending to business??? Would it not also impact OTHER business that is looking or considering looking at PORTLAND as a place to do business and employ significant numbers of Portland residents?? (The "triple down" effect of a poor decision here, will come back to "usurp" this community in more ways than we can herewith even imagine.) Perhaps the answer, would be for the City to step back, take some TIME, and re-look at the situation taking into deep consideration the issues mentioned in this letter, that I believe have been overlooked or minimized so far.

WEINER INVESTMENT CO., INC.

Arnold Weiner
President
7215 S.W. Montclair Drive
Portland, Oregon 97225

Telephone 503-244-3133
Fax 503-246-4327

4-8-96

City Of Portland Planning Commission
Care Of Linda Birth, Secretary
1120 S. W. Fifth, Room 1002
Portland, Oregon 97204-1966

Re: Proposed Sign Code Amendments

Dear City Of Portland Planning Commissioners:

I am writing this letter with deep concern over both the short term, and more importantly the long term potential effect of the proposed new amendments to the City Sign Code. Both my wife and myself are LIFELONG (born and raised) Portlanders. We have owned many pieces of real property in Portland over the years, and continue to own a significant amount at present. Additionally, we are active in many community support organizations and charities, and (I) have testified as an "expert" by invitation many times over the years before the Planning Commission in the areas of outdoor signage, surface parking, and others.

I would like to respectfully take this opportunity to address my thoughts, and the thoughts of many others concerning why the proposed changes are not in the best interest of our community. It is my understanding that part of the thinking behind the proposed changes is a way of implementing Metro's Region 2040 plan. The proposed changes seem to be a shotgun approach to doing that, while severely restricting, if not eliminating, the SMALL BUSINESSPERSON'S ability to effectively communicate their goods and/or services. On premise signage is often the only form of advertising a small businessperson can afford. Restrict it so severely, and these proposed changes become a catalyst for failure for many small businessowners. If we follow the natural progression of that thought, what happens to the EMPLOYEES of small business, if the business can't effectively advertise, and perhaps does not survive?? I urge you to consider the enormous ripple down effect, all the way down to hardworking FAMILIES having jobs and health insurance and benefits, which I assure you many will lose if these proposed changes are implemented.

**BENI
TRACY**

CREATIVE MARKETING

17907 NE 110th Avenue
Bettie Ground, WA 98504
(509) 285-1708
FAX (360) 687-7808

April 5, 1996

Dear Planning Commission:

In working with one of my clients who recently relocated, I was told by the sign person I was working with that the Portland Planning Commission was adopting new signage regulations. I now find out this also includes proposed new amendments to billboards as well, that talk is underway to reduce the size of the existing painted billboards.

I'm sure you're aware that marketing, and/or advertising, be it electronic, print or billboards is the "good news" of products and/or services. It's the one way we can combat all the negativity that abounds in the marketplace.

It seems so unfair that with all the problems business has in meeting payroll, codes, restrictions, taxes, etc., people want to make it even tougher for them to do business in the first place.

I'm embarrassed that the planning commission would even waste time on such nonsense. Certainly there must be more important things to consider, then the size of existing billboards. You've already reduced the number significantly.

Why can't you just leave well enough alone.

For the entrepreneurs and business people of the world, money doesn't fall out of the sky like it does for government workers and others in the bureaucracy, so why not let those of us who work night and day try to at least stay competitive.

Please do not even consider messing with the status quo.

Thank you,

B. Tracy
Ben Tracy

April 4, 1996

Portland Planning Commission
c/o Linda Birth
Planning Commission Secretary
Room 1002
1120 SW Fifth Avenue
Portland, Oregon 97204-1966

Dear Commission:

I am writing to urge you to reject the new Sign Code Amendments, drafted by the city staff. The suggested changes to the code are significant and will have a sizable impact on this important communication media. My main concern is that these code changes may dramatically minimize the effectiveness of outdoor advertising. If the media is not effective through its inherent visibility, it will not be used by advertisers.

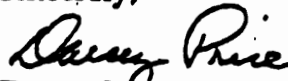
As a buyer of media, I have come to rely on outdoor as a means of disseminating important information to the community, particularly for non-profit organizations. Had it not been for the generosity of Ackerley Outdoor Advertising to provide outdoor boards at basically no charge, many non-profit organizations that I have worked with would have been very limited in getting their messages out. Messages regarding free colon-cancer screening, or the need for recycling, or support your local zoo.

As a member of the community, I have come to rely on outdoor for messages regarding community events, activities and local product and service information. (As a buyer, I know outdoor is a cost efficient means of providing information, therefore allowing small businesses to advertise their wares and become profitable and keep the community economically sound.)

I have had a business relationship with Ackerley Outdoor Advertising for more than twelve years. It already adheres to strong regulations, and has done its part to maintain court-ordered agreements to reducing the number and locations of signs in our community. With this kind of track record, it seems that the commission and Ackerley could work together to determine codes that satisfy both parties needs.

Please reconsidered the amendments you are reviewing and remember the important service outdoor provides the community.

Sincerely,


Darcey Price

One Main Place 101 SW Main Street
Suite 1905, Portland, Oregon 97204
Voice 503.241.1515 Facsimile 241.1511

Station Square 199 East 5th Avenue
Suite 25, Eugene, Oregon 97401
Voice 503.484.1515 Facsimile 484.7327

1 DONALD JOE WILLIS
2 SCHWABE, WILLIAMSON, WYATT,
3 MOORE & ROBERTS
4 Suites 1600-1800
5 Pacwest Center
6 1211 S.W. Fifth Avenue
7 Portland, Oregon 97204-3795
8 Telephone: (503) 222-9981

9 Of Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 FOR DISTRICT OF OREGON

12 ACKERLEY COMMUNICATIONS, INC.,)
13 a Washington corporation,)

14 Plaintiff,)

15 v.)

16 THE CITY OF PORTLAND, a political)
17 subdivision of the State of Oregon;)

18 Defendants.)

Civil No. 76-373-FR

AFFIDAVIT OF
WILLIAM A. BARBER

19 STATE OF OREGON)
20) ss.
21 County of Multnomah)

22 I, WILLIAM A. BARBER, being first duly sworn, depose and
23 say that I am an officer for the plaintiff corporation whose name
24 now is Ackerley Communications of the Northwest, Inc. and can
25 testify from my own personal knowledge as follows:

26 1. On August 30, 1982, the Honorable Helen J. Frye,
United States District Court Judge, signed the final order in
Civil No. 76-373-FR in which she declared void those portions of
Chapters 32 and 33 of the Code of the City of Portland which
purported to require the uncompensated removal of lawfully erected

Page 1 - AFFIDAVIT OF WILLIAM A. BARBER

SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS
Attorneys at Law
Suites 1600-1800 Pacwest Center
1211 S. W. Fifth Avenue
Portland, Oregon 97204-1082
Telephone 222-9981

6
Exhibit "B" (Pg. 1 of 9)

167

1 outdoor advertising signs within the areas covered by the Highway
2 Beautification Act of 1965 (23 U.S.C.A. § 131), as amended.

3 2. The same judgment permanently enjoined the City of
4 permits there is no way of tracking how long they have been in place.
5 does not require permits for banners. The code is unenforceable at this time because without
6 Also Title 33 no size limitation under the zoning code and they are allowed for up to 60 days.

7 9. Banners are allowed in certain zones and are becoming more and more popular. There is
8 an injunction has been and remains in full effect since its
9 even though the two ordinances will be in conflict. The need to be satisfied by ordinance

10 8. Limitation on the area of a portable sign
11 sign situated at 14th/15th and N.E. Sandy Boulevard. The notice
12 area of the sign will be restricted to a portion of the lot. The sign will be restricted to a portion of the lot.

13 7. Measurement of sign area on a painted wall sign
14 measure around the wording only when determining the size of the sign for permitting purposes.
15 OBS Chapter 377 in compliance with the Highway Beautification Act

16 6. Portable signs are restricted to BX, C, E, and F zones. Is this still a valid concern?
17 registered agent was served with a complaint and notice of hearing
18 with regard to the above-referenced sign. The hearing is
19 apparent need of permit.

20 5. Portable signs. Portable signs on private property do not require permits or inspections. We
21 The sign situated on Burnside is on a primary highway and is
22 for lawn and real estate signs.
23 removal of an outdoor advertising sign situated at 1007 East

24 4. We are currently in discussion with Transportation Bureau about taking up enforcement
25 of the A board requirements outlined in their Sidewalk Management Ordinance. This
26 ordinance would allow "A" boards to be placed up against the facade of buildings. Allowing
27 this will provide owners with a loophole with which to avoid buying permits. Title 33 allows
28 that signs on private property with a width of eight feet or less may be placed in many instances.

29 commercial zones extend anywhere from zero to twenty four inches or more in front of the
30 property. Signs on private property may be placed in front of the
31 property. Signs on private property may be placed in front of the
32 property. Signs on private property may be placed in front of the

33 3. Banners are allowed in certain zones and are becoming more and more popular. There is
34 an injunction has been and remains in full effect since its
35 even though the two ordinances will be in conflict. The need to be satisfied by ordinance

36 2. The same judgment permanently enjoined the City of
37 permits there is no way of tracking how long they have been in place.
38 does not require permits for banners. The code is unenforceable at this time because without
39 Also Title 33 no size limitation under the zoning code and they are allowed for up to 60 days.

40 1. outdoor advertising signs within the areas covered by the Highway
41 Beautification Act of 1965 (23 U.S.C.A. § 131), as amended.

1 therefore protected by ORS Chapter 377 in compliance with the
2 Highway Beautification Act of 1965 (23 U.S.C.A. § 131), as amended
3 and by Judge Frye's injunction.

4 6. On or about January 31, 1985, Ackerley's registered
5 agent was served with a complaint and notice of hearing with
6 regard to the above-referenced sign. The hearing is currently
7 scheduled for July 11, 1985. (See attached letter)

8 7. The signs in question were lawfully erected and
9 that issue was litigated in this action. All matters the City
10 complains of now occurred prior to entry of the injunction on
11 August 30, 1982.

12 8. I believe the City of Portland, and Paul C. Elsner,
13 City Attorney, have intentionally and repeatedly disregarded and
14 threatened to disregard the court's order. Ackerley through its
15 attorneys has cautioned defendant and its agents on numerous
16 occasions that any action which effects the uncompensated removal
17 of the signs at issue, and other similarly situated signs, would
18 be in contempt of the court's order. Defendants have disregarded
19 these repeated admonitions. Ackerley most recently brought these
20
21
22
23
24
25
26

regulations whether the signs are in the right-of-way or on private property

In this budget season, each of us is struggling through determining which projects to make a high priority. The signs regulations are a significant enough problem for us that I make this offer to coordinate this effort. Hopefully with the Bureau of Buildings doing much of the "leg work", the Planning Bureau can make this effort a high priority as well.

I would like to begin work on this in July. My goal, depending on the time frames dictated by Zoning Code amendment process, would be to have City Council approval of the changes by the first of the year. I will call to arrange a meeting to discuss this with you.

- cc: Felicia Trader
- Don Gardner
- Cary Pinard
- Denise Kleim
- Ray Kerridge
- Sterling Bennett
- Kermit Robinson
- Pirjo Dewing

NOTARY PUBLIC FOR OREGON
My commission expires: 6-9-89

[Signature]

June, 1985.

SUBSCRIBED AND SWORN to before me this 21 day of

WILLIAM A. BARBER

[Signature]

dated May 20, 1985, a true copy of which is annexed hereto.

matters to the attention of defendant by letter from its attorney

5



an effort to limit giant ads, even non-commercial wall murals - this one on the Oregon History Center would not be allowed.

city struck an
deal with
Council.
ing him to
up the 21 big
signs he permit
before the strict
restrictions
imposed. In
er, he agreed
to put up any
signs.

tion. But it's also because citizens, for the most part, seem indifferent to the sign blitz.

There's another, more important reason. The Oregon Constitution puts the city in a quandary. The constitution grants extraordinary protections to free speech—so much so that it doesn't allow cities to distinguish between commercial and non-commercial messages. That makes Portland's regulations—which differentiate between ads and art—all but indefensible in court.

So the city faces the decision of either allowing unlimited ads or—in a strange legal twist—restricting public art created by the likes of students at Jefferson High and famous muralists commissioned by the Portland Institute of Contemporary Art.

It's liberty versus livability. That's a bad set of choices."

—City Commissioner Charlie Hales

"It's liberty versus livability," says City Commissioner Charlie Hales, who oversees the city's building and sign regulations. "That's a bad set of choices."

Which explains the bravado behind Kirk Becker's big walls.

Becker is not the only one painting illegal wall signs. Check out the Towne Storage sign just over the east end of the Burnside Bridge, or look up at the River City Bicycle sign on the corner of Southwest 4th and Washington. Head up West Burnside Street and you'll see more outlaw signs, including paintings on the Blatz-Weinhard brewery headquarters.

All three went up in the last six

True **PORTLAND** Brews
Brewing

OKTOBERFEST

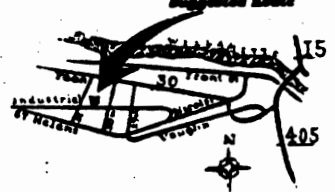
Maps to Oktoberfest

ROUTE A (LONG ROUTE)



Munich Oktoberfest

ROUTE B (SHORTCUT)



Portland Brewing Oktoberfest

The original Oktoberfest in Munich, Bavaria, features authentic German music. *So does the Portland Brewing Oktoberfest.* They serve sausage and kraut. *So do we.* Their supply of beer is endless. *So is ours.* But only Portland Brewing's Oktoberfest offers *Uncle Otto's Oktoberfest Märzen, MacTarnaban's Amber Ale, Oregon Honey Beer Haystack Black Porter* and the tasty new *Zig Zag River Lager.*

Either way you go, it's the real deal.

True **PORTLAND** Brews
Brewing

Great Beer. What Else Matters?

September 19, 20, 21st

Friday 5-10:30 pm, Saturday Noon - 10:30pm, Sunday 11 - 8pm

Admission \$5, kids under 12 free

Portland Brewing Co. 3750 NW 51st Ave. Portland, Oregon 905-226-7623

(7.257 miles west of Munich.)

ATTACK OF THE 50-FOOT HEFEWEIZEN

continued from page 21

months and signal a new era in Portland's wall-sign industry. For years, Mark Bennett's company, G.B. Walls, was the only outfit in town that painted wall signs. Bennett got into the business back in 1980, when city regulations were

Only a city savings office—a public problem caused by the city clerk—can buy from against these signs.

best-known works call depictions of Trail Blazers. Some Kasey, Terry Porter and Rod Strickland on a building at the west end of the Morrison Bridge, and his MacBuster Video ads—which need to change copy every two months—at Northwest 15th Avenue and Burnside.

Since then, Bennett has literally painted the town all over the county. His works include a 17-story painting of football star Barry Sanders in Detroit (for Nike) and a 120-foot-tall Donatello head (as



The Donatello head in L.A.

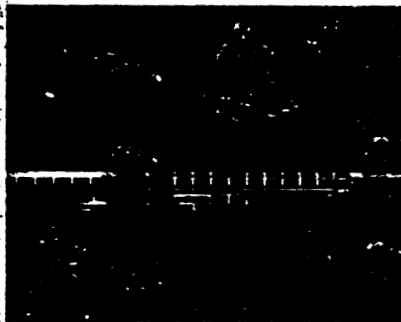
G.I./
At
large w...
there's no telling how many total signs exist in the city. Portland officials don't maintain an inventory of wall signs.
Sign painters claim that critics shouldn't fear an epidemic of wall signs. Only so many walls are big enough, available, and in the high-traffic areas that advertisers desire. "It's silly to say every wall will be painted," says Bennett. "It's never done on a wall that has a lot of aesthetic or architectural appeal."

FRIENDS DON'T LET FRIENDS PAY FULL PRICE.

With Amtrak's Friendship Fares, the second person pays half fare and the third rides free.

| | |
|--|-------|
| FRIENDSHIP FARES FOR THREE PEOPLE | |
| PORTLAND TO LOS ANGELES | \$138 |
| PORTLAND TO MONTEREY | \$128 |
| PORTLAND TO SEATTLE | \$124 |

There's never been a better time to have friends. Or family. Because now, when you travel the West Coast together between September 8th and November 21st, you can



get off at the same stop. It's pretty much what people traveling together do anyway. Then, along the way, while you're fully reclined in your luxurious seat, watching the majestic mountains or shimmering ocean go gliding past, you can think about how you're going to spend all the money you've saved. So what're you waiting for? Make some friends. Then make some plans. Call 1-800-USA-RAIL now, and get a great deal on the best thing the West Coast has going. Welcome aboard.



take advantage of our Friendship Fares. You pay our lowest available regular fare, the second person pays half, and the third travels free. We like to think of this as a win-win-win situation. All you do is leave from the same place at the same time, on the same train and

One of the many advantages of quality for Friendship Fares.

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ATTACK OF THE 50-FOOT HEFEWEIZEN

continued from page 23

about signs, signs "clogging up the scenery and breaking my mind."

That's panning, says Paul Leitner, research director and resident expert on signs at the non-profit City Club, because the sign issue becomes more important as the population swells in Portland. "As the city becomes more dense," Leitner says, "the look and feel of buildings becomes so much more important to livability."

Architect Alan Pierce made formal complaints in July about three illegal signs. He never got a response from the city.

Pierce knows how it looks and feels to him. "The city is being uglified daily," he says. Pierce filed formal complaints about the new illegal signs in July. A month later, the city hadn't responded, and Pierce claimed that the "sign industry is well aware that Portland's sign administration is a 'paper tiger.'"

Some watchdogs claim that the River City Bicycle sign contains a hidden message—a Bank of America logo reflected in a mountain lake. "There is no logo, or no John-4-dead message," Len Bergstein, an AIA media spokesman, says with a laugh.

City planner Knowles also acknowledges that there's another reason the city won't too eager to enforce its rules. The rules, Knowles concedes, are probably unconstitutional.

At the heart of the city's lax enforcement is this dilemma: The city has two sets of regulations—one for painted wall signs, or advertisements, and another for "wall decorations," or non-commercial murals.

According to city code, wall decorations are "designed and intended as a decorative or ornamental feature."



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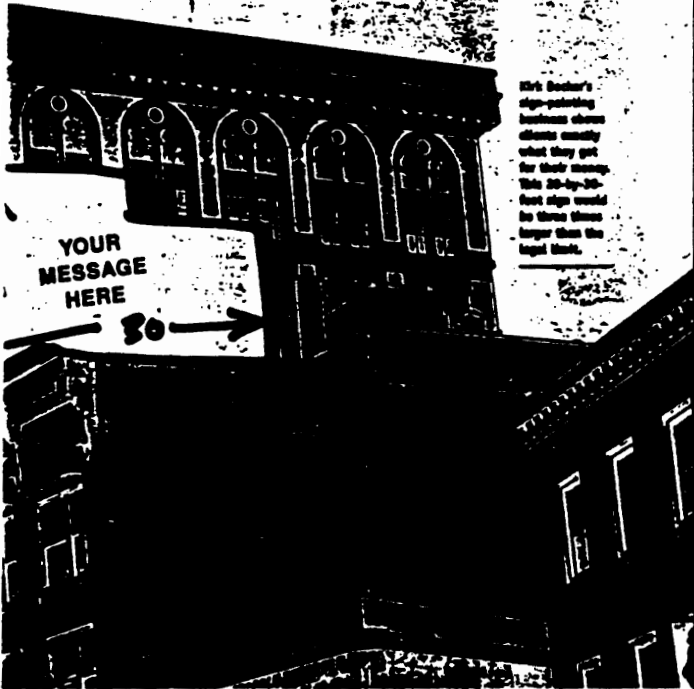


ture" and "do not contain text, numbers, registered trademarks, or registered logos." Examples include the mural of Pecky the elephant at the west end of the Burnside Bridge and the trompe l'oeil painted by internationally renowned muralist Richard Haas on the back of the Oregon Historical Society building.

There's a nice enough idea behind the code. The city didn't want to hinder nonprofit groups from decorating walls, says Knowles. Painting murals brings neighbors together, gives students a vehicle for expression and adds aesthetic flourish to the landscape.

Continued on page 27

Mr. Becker's sign-painting business shows clients exactly what they get for their money. The 20-by-30-foot sign would be three times larger than the legal limit.



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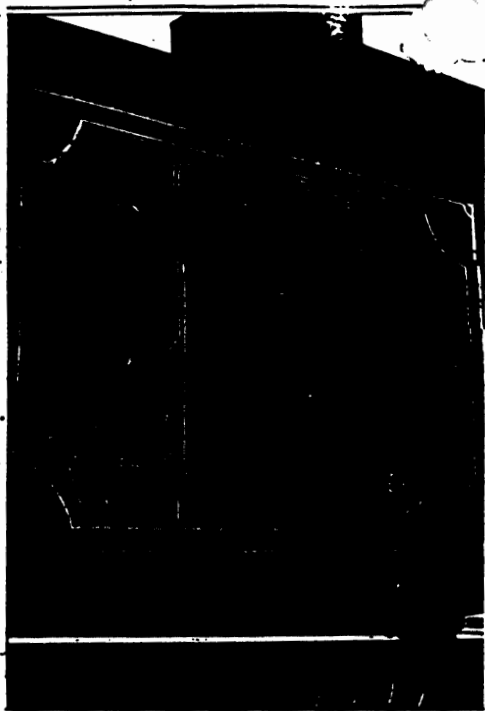
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ATTACK OF THE 50-FOOT HEFEWEIZEN

continued from page 27

But this year's meeting ends in a clash with the Oregon Constitution, which protects both commercial and non-commercial messages as forms of free speech.

"Experts would tell you that the Oregon Constitution is unique in that it does not allow us to regulate based on content," Knowles says.

City Attorney Jeff Rogers agrees. Although Rogers won't go so far as to pronounce the city's rules indefensible in court, he doesn't disagree that the city faces long odds.

Becker maintains that the city's rules are unjust. "I don't think a neighborhood association should have any more rights than a person," he says.

"So if the city is pushed, it must come up with one set of rules for both painted wall signs—such as Becker's smirking Miller Beer ad—and non-commercial murals, such as the Brooklyn Neighborhood Association's Southeast Milwaukee Avenue mural.

That means allowing murals in the form of advertisements. Or allowing advertisements in the form of murals.

But the city's rules are not just about murals. They also cover other types of signs, such as neon signs, and other types of signs, such as neon signs.

either we open the gates and have gigantic billboards on walls or lose the art we all love," says Letstner of the City Club.

City officials hoped the sign industry would complete the legal loophole. Knowles admits this strategy was "naïve," considering the agency's mistake.

"Now Becker and his ilk are making the city look naïve. Because we have someone thumbing his nose at the law, because people are putting up signs without permits, we don't really have any choice now," Knowles concedes.

"We need to eliminate the distinction between signs and murals and go ahead with the enforcement of these violations."

Fence says the city's course is "clear." "Restrict murals," he says. "If it comes to that."

Hales agrees. "If the two choices really are to regulate artistic expression or let us paint the town, I would reluctantly choose to regulate artistic expression," he says.

"That's one of the big policy challenges in Oregon," adds Letstner. "With our added free-speech rights, some added legislation."

"I haven't read the bill, but I commend to the Planning Commission next month that murals come under the same restrictions as wall signs, which means they can be so large."

But 200 residents are allowing free public hearings that mean the city's rules are not just about murals. They also cover other types of signs, such as neon signs.

But the city's rules are not just about murals. They also cover other types of signs, such as neon signs.

Becker claims that Portlanders

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PORTLAND

News and features about the city of Portland's neighborhoods, communities, city government, parks, events, and the waterfront.

Moratorium on painted wall signs passes

Portland City Council passed a 60-day moratorium on any new painted wall signs in the Central City District.

The temporary ban will last until the city's central business district signs review is completed.

The moratorium was passed on Wednesday by unanimous vote. It covers all signs on any new painted wall signs in the Central City District. The temporary ban will last until the city's central business district signs review is completed. The moratorium does not affect most residential neighborhoods where groups sometimes create community murals on building sides as a symbol of pride.

City Planning Director David Knowles said a moratorium is necessary because illegal signs, painted advertisements and other signs cluttered the street to the detriment of the city's appearance.

Just this week, he said, a new big wall painting appeared on a building by the east end of the Steel Bridge. Now, he said, it is an illegal sign because it now advertises a company name and no permit has been issued.

City Council members said they were concerned about the city's lack of enforcement against illegal signs and asked planners to prepare some options for wall sign regulation when the moratorium ends.

Consultant Erik Shea had been re-hired, questioning the city's justification. "We like old signs," he said, noting restoration efforts for some, such as the ones on the old Albers Mill structures along the Willamette River.

Knowles said the Court of Appeals opinion in a Jackson County case involving a highway billboard gave the city a slight

hope that it could come up with a legally defensible regulation distinguishing between wall signs for advertising and non-advertising signs.

Planners said the citizen planning commission had been advised when the issue came up earlier this year that they could not create rules that distinguished between signs or wall decorations based on content.

The planning commission is expected to continue the review in January. Graphics artist Ramonella Raupert, owner of Omelette Graphics, told the council that the moratorium and possible regulations could restrict artists' rights. She said she would not paint murals and signs, she noted, and she doesn't distinguish in her work.

The Portland City Council on Wednesday approved a moratorium on new painted wall signs in the central business district of South Avenue and Washington Street.



ALBERTO COSTA/PA Images

For more info

Portland, OR
Multnomah Co.)
Oregonian
(Cir. D. 350,978)

APR 29 1997

Allen's P. C. B. Est. 1888

White Stag will be Made in Oregon

2156

The Historic Landmarks panel approves a sign pact by Ramsay Signs and H. Nalto Properties on wording and maintenance

by JANET CHRIST

The Oregonian staff

Long live Rudolph.
But not White Stag.

The city Historic Landmarks Commission voted 5-1 Monday to accept changes devised by Ramsay Signs and H. Nalto Properties to keep the landmark neon-and-bulb rooftop sign lit by the west end of the Burnside Bridge.

That's the Oregon-shaped sign with the trademark stag that becomes red-nosed at Christmastime

like Rudolph, the hero who brings Santa Claus's sleigh through the fog.

The plan is to remove the White Stag letters, which replaced the original 1927 White Satin letters in 1959, and substitute the words "Made in Oregon" — the name of a Nalto-owned company.

At the sign bottom, the word "Sportswear" will be replaced with "Old Town."

In approving the changes by the private sign and building owners, the commission declined an offer by a downtown architect to pursue forming a nonprofit group to take care of the sign the way it is.

"I think it's one sign that has gone beyond private ownership," said Peter Meijer. He acknowledged, however, that to go ahead with his

idea required the approval of the owners.

John Tess, representing the owners, said they are not interested in the idea right now. The private commercial proposal, he noted, is a compromise reached after a long period of working out the expense of fixing and maintaining the neglected sign.

Commission member William Hart dissented, saying he thought too much of a compromise had occurred to result in losing the White Stag wording.

Fears of the sign coming down from its long-held perch — particularly familiar to the many residents who cross westbound over the Burnside Bridge — surfaced last fall when Ramsay and Nalto could not agree on how to continue paying for

its upkeep or long-needed repair. That has included a monthly electric bill of about \$200. One total requirement discussed included figures of up to \$60,000 for five years.

Tess said the repair work and changes are expected to take four months.

The problem with a nonprofit company maintaining the sign, he said, is lack of assurance that it will find enough money to continue care for the sign.

The 10-year private agreement can be extended, he said. "I don't think it's the intention of the Nalto family or Ramsay Signs to take it down. There's been a lot of blood spilled over this sign."

Commission member Richard Ritz pointed out that the sign always has

been maintained commercially that has proved to be a valid way

The issue, said city staff planner Jeff Joslin, really comes down to appeal of the red-nosed reindeer to Portland children, "or child Portlanders."

The shiny-nosed Rudolph character was born in a 1939 Montgo Ward advertising idea. The Santas gave away booklets to his story. Later, the verse was a song.

"No, it's not even the association with the White Stag Co. or sportswear," Joslin wrote in his favor report to the commission. "It's the presence of Rudolph that today is the most resonant and significant meaning and association for the city."

Portland, OR
(Multnomah Co.)
Oregonian
(Cir. D. 350,978)

AUG 3 1997

Allen's P. C. B Est. 1888

White Stag sign ²¹⁵⁶ a historic memorial

An understandable compromise has been made regarding the White Stag sign at the west end of the Burnside Bridge. Rather than being torn down, the sign is going to be handed over to Made in Oregon and redesigned with its logo.

I understand the decision, but I was upset while reading about it. The sign is an authentic memorial to an earlier stage of our history, in a language — advertising — that we are all familiar with.

If maintaining the sign is such a burden for the city and taxpayers, maybe we should consider selling some of our other monuments. The White Stag sign is a more visible and touching landmark to me, and probably many others, than the Pittock Mansion. Wouldn't the Pittock Mansion still look more or less the same if we sold it to DoubleTree Hotels?

PETER WINCH
Southwest Portland

APR. 28 1997

Allen's P. C. B. Est. 1888

2156 Historic White Stag sign ready for a change of face

By KEVIN HARDEN
Daily Journal of Commerce

Portland's most eligible sign may not have to go stag anymore.

A historic sign atop the Hirsch-Weiss Building on West Burnside Street could get a new suitor this afternoon if the Portland Historical Landmarks Commission approves a dramatic change to the sign's image.

Commissioners will consider during their 3 p.m. meeting in the Portland Building a plan by Ramsay Signs of Portland to reconstruct the landmark display from its traditional advertisement for the White Stag Co. to a new one for Made In Oregon shops, the Naito family business in Old Town.

From its vantage point facing the Willamette River near the Burnside Bridge, the White Stag/Made In Oregon sign has been a part of Portland history since it was built in 1927.

Each Christmas since the late 1950s, the sign's stag sported a Rudolph-red nose light.

According to a report by city planner Jeff Joslin, the 48-foot-tall sign was originally constructed by the Ramsay Sign Co. for White Satin Sugar featuring its trademark neon outline of the state. In 1950, the sign was modified to include more than 1,000 bulbs that provided "animation" through sequence lighting.

Nine years later, the sign was converted to its present form, with the leaping stag and the White Stag lettering, as an advertisement for Max S. Hirsch, who started Willamette Tent & Awning, which eventually became the White Stag Manufacturing Co., a sportswear firm.

City officials designated the sign a local historic landmark in 1978 because of its connection to both Hirsch and the White Stag company. It was threatened last year, when a disagreement on the sign's maintenance and lease almost forced Ramsay Signs to move it to a new location.

Ramsay Signs, which has kept the sign lit at its own expense since 1988, said it would cost \$1,600 a month to leave the sign



Greg P.

The historic White Stag sign atop the Hirsch-Weiss Building on West Burnside Street could be changed to advertise Made In Oregon shops and Old Town under a proposal considered this afternoon by the city's Historical Landmarks Commission.

on top of the Hirsch-Weiss Building. Changes to the sign will require some lettering reconstruction and repainting of the frame, but little alteration, according to Joslin's report.

Joslin recommended that the

Historical Landmark Commission approve the lettering changes to keep the sign in place. Without them, Ramsay Signs said it would have to relocate the sign, which would hurt a downtown Portland landmark, Joslin said.

Hollywood Video sign to stay

The neon-lit Hollywood Video sign on Barbur near the entrance to Terwilliger Parkway will remain as it was when originally approved by the City, said Sterling Bennett, code compliance supervisor for the building bureau.

And although the City now considers the sign legal, Hollywood Video wants to find a way to satisfy those who find the neon-lit mountains and the sign's size offensive, said John Stark, Hollywood Entertainment Corp.'s national director of architecture.

For the past year, Alex Pierce, a sign watchdog and retired architect, has told the City the sign violated City sign size limits because its neon mountains were registered trademarks.

Trademarks are subject to sign size regulations; but the City first considered the mountains as a wall decoration, which is not regulated by size. Pierce later showed that Hollywood Video has registered the mountains as a trademark with the State Corporation Division.

Jeff Bachrach, an attorney representing Hollywood Video Corp., said the company has since cancelled the trademark designation which was "inadvertently renewed," with the Secretary of State Corporation Division.

Stark, who lives in the Hillsdale neighborhood, said, "We obviously don't want to offend the neighborhood, so we want to come up with some kind of solution."

Surrounding neighborhood associations have opposed the sign in letters to the City Council. Stark is arranging to meet with the Hillsdale Neighborhood Association in February. JR

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FEB 1998 No. 44

Portland, OR
(Multnomah Co.)
Business Journal
(Cir. W. 20,804)

SEP 3 1997

Allen's P. C. B. Est. 1888

Hollywood signs also raising ire in Portland

By GINA BINGLE

2156

Wilsonville, currently involved in a dispute with Hollywood Entertainment Corp. over its company signs, isn't alone in criticizing the company's signage.

Jillian Detweiler, the planning liaison for Portland City Commissioner Charlie Hales, said the city has received complaints about signs marking video stores on Barbur Boulevard and Northeast Broadway.

Neighbors did not like the neon strip above the sign on the Broadway store, Detweiler said. To appease the disgruntled people, the company has turned the neon off.

The problems with the Barbur Boulevard store sign are more complex, depending on what a city hearings officer decides, Detweiler said. 18 of the Hollywood Video stores in Portland could be affected.

At issue is whether the Hollywood sign should include the lettering and the total trademark logo, which depicts mountains bordered in neon. Detweiler said the sign application brought to the city included just the words and no other design elements.

Hollywood Entertainment officials have failed to return phone calls placed by the *Business Journal*.

But in a recent spat with Wilsonville city officials over the company's corporate headquarters' sign, Hollywood representatives insisted the sign reflects their culture and helps create an innovative working environment. They also said the sign included letters and accessories.

Wilsonville City Council President John Heiser said Hollywood has filed an appeal and is expected to go before the council Sept. 15 in an effort to get the blue neon band returned to the plans for its headquarters at the Wilsonville Business Park. The city's development review board decided that the blue neon band bordering the mountain scene must be nixed.

Mark Wattles, Hollywood Entertainment CEO, said prior to last week's decision but after the board requested sign revisions earlier in August, he might pull his plans to locate the 125,000 square-foot headquarters elsewhere unless he got the sign he wanted. □