

RESOLUTION NO. 158

A RESOLUTION DECLARING THE CITY'S SUPPORT FOR A RESTAURANT AND LOUNGE KNOWN AS THE CHANTICLEER INN AND PROCLAIMING THAT SUPPORT TO THE OREGON LIQUOR CONTROL COMMISSION.

WHEREAS, the revitalization of the Downtown Troutdale area depends upon variety, viability and quality commercial development, and

WHEREAS, there is only one restaurant with a lounge within the City limits of Troutdale, and none within the Downtown Redevelopment Area, and

WHEREAS, the owners of the Chanticleer Inn have worked closely with the City in the "Old Railroad Town" design, and

WHEREAS, the owners of the Chanticleer Inn have proven business management experience, although not directly in restaurant management, and

WHEREAS, The City of Troutdale is experiencing rapid growth from 2,730 in June, 1976 to 3,300 in June 1977 and will probably reach 4,000 by June, 1978;

THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE,

THAT, A second restaurant with lounge is necessary to the lifestyle and Downtown redevelopment of Troutdale, and

THAT, the Oregon Liquor Control Commission should recognize the technical errors in its findings about the Chanticleer Inn, and


THAT, The Oregon Liquor Control Commission should reconsider its decision and grant a Class A Liquor License to the Chanticleer Inn.

Resolved this 9th Day of August, 1977.

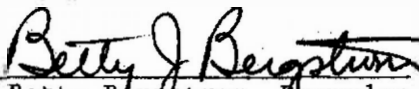
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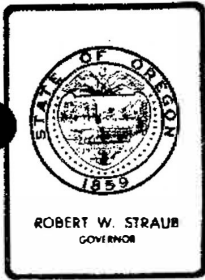
NAYS 0

Signed


C.W. Sturges, Mayor

ATTEST:


Betty Bergstrom, Recorder



Oregon Liquor Control Commission

P.O. BOX 22297, 9079 S.E. McLOUGHLIN BLVD., PORTLAND, OREGON 97222

July 28, 1977

James R. & Clara S. Marshall
Kenneth E. & Patricia A. Smith
Box 295
Troutdale, OR 97060

License Refusal - Dispenser Class A

CERTIFIED MAIL

Chanticleer Inn
302-306 E. Columbia Street
Troutdale, Oregon

Dear Sirs and Mesdames:

Your application for a Dispenser Class A license has been investigated and considered by the Oregon Liquor Control Commission and was not approved by the Commission for the following reasons:

There are sufficient licensed premises in the locality set out in your application, and the granting of a license in the locality set out in the application is not demanded by public interest or convenience.

In considering your application, the Commission felt that the 332 dispenser licensed outlets which are all located within Multnomah County are providing and maintaining reasonably adequate service and are sufficient to meet the demands of the public within the trading community of your location. It was also noted that within the corporate limits of the city of Troutdale there are currently two dispenser licensed outlets in operation, which appear to adequately serve the area.

Further considered by the Commission in acting upon your application is the extent of the prior business experience of the license applicants, in that your personal history forms reveal no restaurant or lounge experience in your past employment history.

The Commission also took into account that by law it is restricted to the issuance of one dispenser license for each 2,000 population within the state. Multnomah County presently has a population of 553,500 and currently has 332 dispenser licenses, either issued or committed. This number exceeds, by 56, the number of dispenser licenses that normally would be allocable to Multnomah County if such licenses were distributed

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Marshall; Smith

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in accordance with the populations of such defined geographical areas as counties. Also, because Oregon's population is 2,367,750, the Commission is limited, under the statutory quota restriction, to the issuance of a total of 1,183 dispenser licenses throughout the state. With the issuance of two additional dispenser licenses July 21, 1977, there are now 1,171 dispenser licenses, either issued or committed. This leaves a reserve of 12 dispenser licenses remaining for distribution throughout the state of Oregon.

Furthermore, based upon the decision rendered by the State of Oregon Court of Appeals regarding Battle Creek Golf Club vs. Oregon Liquor Control Commission April 21, 1975, the Commission is not required to issue all of its statutory quota of licenses to all qualified applicants and the Commission can properly consider the limited number of licenses it may issue in terms of the "public interest or convenience" in the future as well as the present. In addition, the Commission has numerous dispenser license applications on file at the present time for consideration and is aware of future applications which will be forthcoming.

However, the Commission has no objection to the issuance of a Retail Malt Beverage license or a Restaurant license for your establishment. A summary of license privileges is enclosed for your convenience. It is to be understood that the approval of the Restaurant or Retail Malt Beverage license is in no way to be construed that a Dispenser Class A license will be issued for your establishment in the future.

Consideration of your application was based on ORS 472.160 and also on the criteria as set out in Oregon Administrative Rules, Chapter 845, Sections 10-700 to 10-730, which became effective May 1, 1974.

You may be interested in your statutory right to a formal hearing on your application before a hearing officer of the Commission, pursuant to the Administrative Procedure Act and Commission Rules. If you desire a hearing, you must notify this office in writing within sixty (60) days of the date of this notice.

Yours truly,

Wayne W. Holzfuss
Director of Licensing

WWH:AGR:mm
Enclosures

cc: City of Troutdale

800 8 101