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BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)	
Application for a)	
Retail Malt Beverage (RMB))	
License by:)	FINAL
)	FINDINGS OF FACT,
David L. & Paula D. Stribling)	CONCLUSIONS OF LAW,
DAVE'S COZY CORNER)	AND ORDER
1207 West Central)	
Sutherlin, Oregon 97479)	
- - - - -)	
Douglas County)	

A hearing in the above matter was held on the 6th day of March, 1984, in Sutherlin, Oregon, before Hearings Examiner Jill Thompson. The Applicants appeared in person and were represented by Jeffrey Pugh, Attorney at Law, Roseburg, Oregon. The Commission was not represented by legal counsel.

On July 23, 1984, the Commission considered the record of the hearing, the Proposed Order of the Hearings Examiner, Exceptions to the Proposed Order of the Hearings Examiner, and applicable statutes and regulations. Pursuant to this review, the Commission enters the following:

FINDINGS OF FACT

1. David L. and Paula D. Stribling have applied for a Retail Malt Beverage (RMB) license at DAVE'S COZY CORNER, 1207 West Central, Sutherlin, Oregon.
2. The Commission has refused the application on the grounds of adverse public opinion (OAR 845-05-035).
3. During his investigation of the application Mr. Egli contacted 33 residents or businesses in the vicinity of the

premises. The occupants of ten of the houses or businesses objected orally or in writing prior to the hearing. There were four objectors at the hearing, two of whom had previously made written and oral objections. Subsequent to the hearing one other letter of objection was received.

4. The protesters stated they were concerned that a tavern would attract noisy and unruly patrons, would unduly influence children in the area, would increase traffic and would offend senior citizens in the area; the protestors included the owner, manager and three tenants of an apartment house across the street from the premises.

5. Of the 13 objectors to the license, three have left the area since the hearing.

6. Applicants have submitted six letters and a petition containing 72 signatures in support of their application. Six people appeared at the hearing to testify in support of the application. Most of these individuals live or own businesses within a five-block radius of the premises.

7. The premises is on the main business street in Sutherlin, and is zoned for commercial development. The applicants currently have a Package Store (PS) license at the premises' location, and plan to remodel the business from its present use as a grocery store to a tavern.

8. Applicants also hold an RMB license at a different location in Sutherlin. That tavern attracts a younger clientele than applicants plan for their proposed outlet. The Sutherlin Chief of Police testified that applicants' current

operation is adequately supervised and does not present any particular problem for his department. He stated in a written letter of support for the application that he does not anticipate any problems from the applicants' proposed premises.

9. Applicants propose to cater to older Sutherlin residents by not using any live entertainment, and by offering games such as shuffleboard, cribbage and pool. They plan to feature game tournaments for the over-40's. The premises will have quiet country and swing jukebox music; the volume will be controlled by the bartender.

10. In order to allay the apprehensions of area residents about the environment applicants intend for the premises, they have changed the trade name from The Den, which was originally proposed, to Dave's Cozy Corner. People in the area felt there were unpleasant connotations from the original choice of name. They also plan to fence the premises to prevent access to neighboring property, and to install double siding and carpeting to eliminate any potential noise problem.

11. Applicants have held their existing RMB license in Sutherlin for over four years without complaints or OLCC violations.

12. The street on which the premises is located is populated almost entirely by commercial enterprises and already has a high degree of traffic use and noise. The few residences located on the street are older, non-conforming structures.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission may refuse to issue or renew a license if it determines that public opinion weighs against the issuance of a license. Interested persons may express their support for or opposition to the issuance of a particular license by petition or letter timely received at the Commission offices, or by personal appearance and testimony at a Commission hearing, if any. Such public opinion will be evaluated in light of the reasons expressed and the extent to which the persons expressing it are likely to be affected by the issuance of the license. Greater weight will be given to opinion of persons residing, working or owning a business within a one-mile radius of the proposed premise. The number of persons expressing support or opposition will not, in and of itself, be controlling. OAR 845-05-035.

The adverse public opinion consists of speculation by some individuals that some negative consequences may arise from a tavern. There are no complaints about Applicants' current PS outlet on the site of the proposed tavern, or about Applicants' management of their existing RMB license in a different part of Sutherlin. Applicants have modified their original proposal to accommodate the objectors. There is substantially greater public support than opposition to the application; most of the supporters live or do business in locations that are equally close to the premises as are the objectors.

ULTIMATE CONCLUSIONS OF LAW

The Commission concludes that public opinion does not weigh against issuance of the license; to the contrary, public opinion supports its issuance.

FINAL ORDER

It is hereby ordered that the application for a Retail Malt Beverage (RMB) license by David L. and Paula D. Stribling at Dave's Cozy Corner, 1207 West Central, Sutherlin, Oregon be GRANTED upon the payment of appropriate license fees to the Commission with the condition that the Applicants' ordered remodeling be completed within ninety (90) days from the date of the Commission's Final Order in this matter or that the commitment of the license be withdrawn.

It is further ordered that due notice of such action, stating the reasons therefor, be given as provided by law.

Dated this 27th day of July, 1984.



C. Dean Smith
Administrator
OREGON LIQUOR CONTROL COMMISSION

NOTICE: You are entitled to Judicial Review of this Order. Judicial Review may be obtained by filing a Petition for Review within 60 days from the service of this Order. Judicial Review is pursuant to the Provisions of ORS Chapter 183.