



October 28, 2014

Mr. Gregory Chaimov
Davis Wright Tremaine
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201-5610

Re: *Addendum to Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Woodley Properties Inc.'s Proposed Development of Lot 2/Phase 1 of Revised Proposal for Clackamette Cove
Requested by: Woodley Properties, Inc./Clackamette Cove LLC

Dear Mr. Chaimov:

On October 16, 2014, you requested reconsideration of whether the proposed development of Lot 2 was subject to prevailing wage rate laws.

The August 20, 2014 determination was based on information that had been provided to the Agency as of August 20, 2014. The Commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of the determination.

New and additional information has been provided to the Agency, such that the Commissioner deems it appropriate to issue the following addendum to its determination issued August 20, 2014.

The August 20, 2014 determination concluded that Phase 1 of the Revised Proposal for Clackamette Cove was subject to the prevailing wage rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025. Phase 1 development includes 195 waterfront apartments and some commercial space on Lots 3, 4, 6 and 7 of the project site. This conclusion is unchanged by this addendum.

Clackamette Cove, LLC concurs with the Commissioner's determination that Phase 1 of CCLCC's development of Lots 3, 4, 6 and 7 of the project site is subject to prevailing wage rate laws and agrees that development of subsequent phases or lots of the project, if any, would likewise be subject to prevailing wage rate laws, with the rates being those that were in effect as of September 2, 2009, the date of execution of the Disposition and Development Agreement with the Urban Renewal Commission of the City of Oregon City. Subsequent phases may include development of Lots 1 and 5 and Tracts A, B, C, D, E and F.

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Subsequent to the August 20, 2014 determination, you supplied new and additional information such that that the Commissioner believes it appropriate to issue the following addendum to its determination of whether the prevailing wage rate laws applied to the proposed development of Lot 2, issued August 20, 2014.

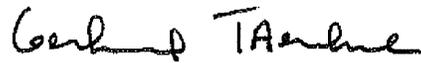
ORS 279C.827(2) provides that “the commissioner shall divide the project, if appropriate, after applying considerations set forth in subsection (1)(c) of this section to separate the parts of the project that include funds of a public agency or that will be occupied or used by a public agency from the parts of the project that do not use funds of a public agency and that will not be occupied or used by a public agency.”

The Commissioner has considered the factors provided in ORS 279C.827(1)(c) and has determined that the development of Lot 2 may be divided from the development of the Clackamette Cove project. As such, the August 20, 2014 determination that the development of Lot 2 is subject to the prevailing wage rate laws is superseded by the following: Based on new and additional information provided subsequent to the August 20, 2014 issuance of the determination, the prevailing wage rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to Grand Cove, LLC’s proposed development of Lot 2.

As always, this determination is based on the Agency’s file to date. The Commissioner may make a different determination if information provided to the Agency is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

Date: October 28, 2014

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



GERHARD TAEUBEL,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

cc: D. Brent Carpenter, Yazbeck, Cloran & Bowser, PC, 111 SW Columbia St., Suite 650, Portland, OR 97201