



Legislation Text

File #: 14-204, **Version:** 1

Clackamette Cove, LLC Request for DDA Time Limit Extension

RECOMMENDED ACTION (Motion):

Staff recommends that the Urban Renewal Commission (URC) consider the time limit extension request submitted on March 26, 2014 by Clackamette Cove, LLC (CCLLC) and provide direction.

BACKGROUND:

Section 6.1 of the Disposition and Development Agreement for The Cove (DDA) requires that within sixty (60) days of the Effective Date, CCLLC shall provide the URC with a determination letter from the State of Oregon, Bureau of Labor and Industries (BOLI) advising whether or not some or all of the Project is a "public work." The DDA goes on to require that if BOLI determines that some or all of the Project is a "public work," then CCLLC shall either: (i) comply with all requirements of applicable law; or (ii) seek an exemption from the requirements of constructing a "public work."

On March 18, 2014, CCLLC received a letter from BOLI, which has since been submitted to the URC prior to the deadline indicated in the DDA, determining that Phases 1 and 2 of the Project are a "public work." As a result, CCLLC is issuing an appeal to BOLI contesting the findings documented in the determination letter. An appeal process through BOLI requires additional time and could require a hearing. Therefore, CCLLC is requesting an addendum be incorporated into the DDA reflecting a 60-day time extension to allow for the appeal period. If the URC approves the extension, the new expiration date of the DDA will be October 15, 2014.