



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

April 12, 2012

Tiah Devin, Project Manager  
Columbia Hills Manor, Inc.  
PO Box 357  
Arlington, OR 97812

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Columbia Hills Manor  
Requested by: Columbia Hills Manor, Inc.

Dear Ms. Devin:

On April 6, 2012, you submitted a request asking if the Prevailing Wage Rate law would apply to the proposed project known as Columbia Hills Manor. Sufficient information to make a determination was received on April 11, 2012, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. Columbia Hills Manor, Inc. ("CHM"), a private non-profit corporation, currently owns property located at 350 West Hemlock Street in Arlington, Oregon. The property was gifted to CHM by the City of Arlington. According to the Gilliam County Assessor, the property has a value of \$35,000.
2. CHM proposes to build an independent living facility for seniors on this property, to be known as Columbia Hills Manor ("the project"). The project will consist of one single-story, 10,216-square-foot building, comprised of six 2-bedroom units and two 1-bedroom units. The project will also include a community room that may be used by the residents. The community room is not available for use by the general public.
3. The project will include a 90-square-foot office for an on-site CHM staff person. This office may also be used by public agency personnel whose agencies serve seniors. These public agency personnel would provide services only to the residents of the project. Should public agencies use the office space, less than 25 percent of the square footage of the completed project will be used by a public agency.

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4. All occupants' incomes will be no greater than 60 percent of the area median income.
5. The proposed project will use funds of a public agency from several sources, as follows:
 

Up to \$200,000	OHCS Housing Development Program Grant
Up to \$300,000	OHCS General Housing Account Program
Up to \$1,015,029	OHCS HOME Funds
\$240,000	Gilliam County
\$35,000	City of Arlington

**CONCLUSIONS OF LAW**

1. The proposed project known as Columbia Hills Manor will be privately owned, and funds of several public agencies in excess of \$750,000 will be used on the project. Therefore, the proposed project is a "public works" under ORS 279C.800(6)(a)(B).
2. The proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. Therefore, the exemption from the prevailing wage rate law provided for in ORS 279C.810(2)(d) will apply to this project.

**DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed project known as Columbia Hills Manor.

This determination is based on the agency's file as of the date of this determination. 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 this determination.

**REQUEST FOR A RECONSIDERATION**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

## RIGHT TO A HEARING

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, Oregon 97232

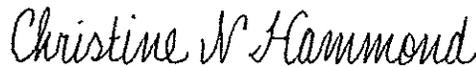
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: April 12, 2012

Brad Avakian, Commissioner  
Bureau of Labor and Industries



Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

**Certificate of Service**

On April 12, 2012, I mailed the Prevailing Wage Rate Determination for the proposed project known as Columbia Hills Manor to the requestor associated with this project, as follows:

Tiah Devin, Project Manager  
Columbia Hills Manor, Inc.  
PO Box 357  
Arlington, OR 97812



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Susan Wooley  
PWR Technical Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries