

February 23, 2009

Ross Cornelius
Development Manager
Guardian Management, LLC
710 NW 14th Ave.
Portland, OR 97228

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Portland Hope Meadows (Bridge Meadows)
Requested by: Guardian Management, LLC

Dear Mr. Cornelius:

On January 29, 2009, you submitted a request on behalf of Portland Hope Meadows (as of February 5, 2009, the project name has been changed to Bridge Meadows) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by February 20, 2009, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The developer, Guardian Management, LLC represents that the 36-unit residential housing project will be owned by Bridge Meadows.

2. The funding sources for the project are a mix of public funds and private funds. \$874,054 of the funds for this project will be from public funding sources broken down as follows: \$100,000 from Trust Fund 1 – IGC/Triplexes (State Housing Trust Fund); a potential \$72,750 loan/grant from PDC; \$30,000 from Low Income Weatherization Program and \$671,304 from the City of Portland Land Lease. The land, 2 acres, is being leased to Portland Hope Meadows (now Bridge Meadows) from the City of Portland for 99 years at the cost of \$1. The value of that lease is given as \$671,304.

3. Guardian Management LLC proposes to develop the property into nine buildings. The buildings will include an 18-unit apartment building with common areas, group living areas and management offices. Also included are three triplexes, four duplexes and one single family house. All of the buildings will be two stories high and will not contain any commercial space.

Twenty-seven of the units will be offered at restricted rents to residents at or below 50% of the average median income for Multnomah County (the 18-unit apartment building and the three triplexes). The four duplexes and the single family home are not planned to have restricted

rents. The unrestricted duplexes and single family home will be funded primarily through private donations, the land lease, and through the potential PDC loan. The percentage of affordable housing on this project is 75% of the total which makes the project predominately affordable, the threshold of which is 60% of the total project.

CONCLUSIONS OF LAW

1. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(B) will apply to this project.

2. The project is for residential construction that is privately owned and that predominantly provides affordable housing. Therefore, it will be exempt from the Prevailing Wage Rate law. ORS 279C.810(2)(d).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, do not apply to the Portland Hope Meadows (Bridge Meadows) project.

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

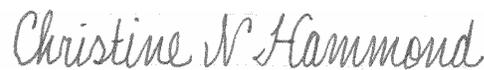
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: February 23, 2009

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 February 23, 2009, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Portland Hope Meadows (Bridge Meadows) project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:
Portland Development Commission, City of Portland, Oregon Department of Human Services and Oregon Housing and Community Services.

Debbie Sluyter, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries