



April 13, 2016

Briana Murtaugh, Development Associate  
Guardian Real Estate Services, LLC  
PO Box 5668  
Portland, OR 97228

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Bridge Meadows - Beaverton  
Requested by: Guardian Real Estate Services, LLC

Dear Ms. Murtaugh:

On March 22, 2016, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on April 11, 2016, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. Bridge Meadows – Beaverton Limited Partnership, a domestic limited partnership, plans to construct a new affordable housing project to be located at the intersection of SW Allen Boulevard and SW Menlo Drive in Beaverton, Oregon. Bridge Meadows, a 501c3 non-profit organization serving adoptive families and elders in an intergenerational community, is the general partner of the Bridge Meadows – Beaverton Limited Partnership.
2. The project, known as Bridge Meadows Beaverton, consists of the construction of six buildings that includes 41 apartment units with common areas (24 one-bedroom units, eight two-bedroom units, seven three-bedroom units, and two four-bedroom units), resident counseling rooms, and management offices. No commercial space will be leased on the property, and all of the buildings will be two stories or under.
3. Thirty-two of the forty-one units will be restricted to households at or below 60% of the area median income. The remaining nine units will be restricted to households at or below 80% of the area median family income.
4. The total project cost will be \$14,995,165. Funding for the project includes the following sources:

**PORTLAND**  
800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

**SALEM**  
3865 Wolverine St. NE; E-1  
Salem, OR 97305-1268  
(503) 378-3292  
FAX (503) 373-7636

**EUGENE**  
1400 Executive Parkway, Suite 200  
Eugene, OR 97401-2158  
(541) 686-7623  
FAX (541) 686-7980

**BEND**  
Apprenticeship and Training  
Worksource Bend  
1645 NE Forbes Rd, Ste 106  
Bend, OR 97701-4990  
(541) 322-2435  
FAX (541) 389-8265

Oregon Relay TTY:711

**MEDFORD**  
Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284



- a. Funds of a public agency: \$1,760,165
    - i. HOME Loan, Washington County: \$1,000,000
    - ii. GHAP Grant, Oregon Housing and Community Services: \$500,000
    - iii. City of Beaverton Loan: \$200,000
    - iv. LI Weatherization Program Grant: \$30,165
    - v. City of Beaverton Acquisition Grant: \$30,000
  - b. Other Funds: \$13,235,000
    - i. Equity proceeds of syndicating 9% Low Income Housing Tax credits: \$9,400,000
    - ii. Permanent loan from JP Morgan Chase: \$2,300,000
    - iii. Bridge Meadows Fundraising: \$1,200,000
    - iv. Deferred Development Fee: \$335,000
5. No public agency will occupy or use any square footage of the completed project

## **CONCLUSIONS OF LAW**

1. The proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will use \$750,000 or more of funds of a public agency for constructing a building, structure or improvement of any type.
2. The proposed project meets the definition of “residential construction” that is “privately owned” and that “predominantly” provides “affordable housing” under ORS 279C.810(2)(d), because the project will be owned by a private limited partnership and includes the construction of four-story or less single-family homes or apartments, and 60% or more of the units will serve occupants whose incomes are no greater than 60% of the area median income.
3. Pursuant to ORS 279C.810(2)(d), the prevailing wage rate laws do not apply to projects for residential construction that are privately owned and that predominantly provide affordable housing.

## **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 Bridge Meadows - Beaverton 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, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 either by 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 order 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.

Date: April 13, 2016

Brad Avakian, Commissioner  
Bureau of Labor and Industries



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Gerhard Taeubel, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

### Certificate of Service

On April 13, 2016, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Bridge Meadows - Beaverton project to the requestor and any interested parties identified by requestor as being associated with this project, as follows:

Derenda Schubert, Executive Director  
Bridge Meadows  
8502 N Wayland Ave  
Portland, OR 97203

Ross Cornelius  
Walsh Construction Co.  
2905 SW First Ave  
Portland, OR 97201

Joanne Sheehy, Loan Officer  
Oregon Housing and Community Services  
725 Summer St NE, Suite B  
Salem, OR 97301-1266

Hannah Wood  
Hannah Wood, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries