



July 19, 2013

Rose Mary Ojeda  
Housing Program Manager  
CASA of Oregon  
20512 SW Roy Rogers Rd., Suite 150  
Sherwood, OR 97140

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Acquisition of Century Drive Mobile Park project  
Requested by: CASA of Oregon on behalf of the West Side Pines Cooperative

Dear Ms. Ojeda:

On July 12, 2013 you submitted a request on behalf of the West Side Pines Cooperative asking if the Prevailing Wage Rate laws would apply to the Acquisition of Century Drive Mobile Park Project (the "project"). Sufficient information to make a determination was received on July 18, 2013, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT:

1. The West Side Pines Cooperative, a domestic cooperative, was formed by residents of the Century Drive Mobile Home Park to preserve their community as affordable housing on a permanent basis. The cooperative signed a Purchase and Sale Agreement with the current owner of Century Drive Mobile Home Park for the purchase price of \$3.65 million, plus costs.
2. Century Drive Mobile Home Park is a 71-space manufactured housing park located at 141 SW 15<sup>th</sup> Avenue in Bend. The park is approximately 25 years old and is situated on approximately 10.74 acres of land. The property also includes a storage area, an oversized garage, an office/laundry building and 11 rental manufactured homes.

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3. Occupancy of at least 60% of the spaces at Century Drive Mobile Home Park will be restricted to families who own their manufactured dwellings and who are at or below 80% of the area median income.
4. Within the first year of operation, West Side Pines Cooperative plans to perform the following improvement and maintenance items: tree trimming, paving repair, sidewalk repair, fencing repair, water supply repair, and sewer line repair. The cooperative also plans to install a new roof on the laundry/office building. The total cost of the improvement and maintenance items will be \$53,760.
5. The total project cost is \$4,044,341. Funding for the project includes the following sources:
  - a. Funds of a public agency: \$800,000
    - i. Oregon Housing & Community Services Grant - \$600,000
    - ii. City of Bend – Affordable Housing Loan - \$200,000
  - b. Other funds: \$3,244,341
    - i. CASA Loan - \$638,341
    - ii. Network for Oregon Affordable Housing (NOAH)
      1. Loan - \$2,600,000
    - iii. Prorated Rents at Closing - \$6,000

#### **CONCLUSIONS OF LAW:**

1. The Acquisition of Century Drive Mobile Park Project will be privately owned by West Side Pines Cooperative, will use private funds and will use more than \$750,000 in funds of a public agency. Therefore, the definition of “public works” under ORS 279C.800(6)(a)(B) will apply to this project.
2. The prevailing wage rate laws do not apply to projects for residential construction that are privately owned and that predominately provide affordable housing. ORS 279C.810(2)(d). The Acquisition of Century Drive Mobile Park Project will be privately owned by the West Side Pines Cooperative. The project meets the definition of “residential construction” because “residential construction” includes the construction, reconstruction, major renovation or painting of single-family homes or apartment buildings, and all incidental items. The project will predominantly provide affordable housing because at least 60% of the spaces will be restricted to families who own their manufactured dwellings and who are at or below 80% of the area median income. Therefore, this exception applies and the prevailing wage rate laws will not apply to the Acquisition of Century Drive Mobile Park project.

**DETERMINATION:**

The Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the Acquisition of Century Drive Mobile Park 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 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, OR 97232

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

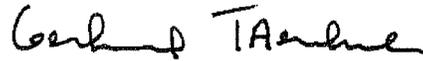
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a

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: July 19, 2013

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 July 19, 2013, I mailed the Prevailing Wage Rate Determination for the Acquisition of Century Drive Mobile Park Project to the requestor, as follows:

Rose Mary Ojeda  
Housing Program Manager  
CASA of Oregon  
20512 SW Roy Rogers Rd., Suite 150  
Sherwood, OR 97140

Certified Mail – Return Receipt Requested  
Article #: 7012 3050 0001 7255 2529



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Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries