



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

April 4, 2016

Ross Cornelius, Client Services Manager
Walsh Construction Co.
2905 SW First Avenue
Portland, OR 97201

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: New Meadows Project
Requested by: Bridge Meadows and New Avenues for Youth, Inc.

Dear Mr. Cornelius:

On March 27, 2016, you submitted a request on behalf of Bridge Meadows and New Avenues for Youth asking if the Prevailing Wage Rate law would apply to the proposed New Meadows Project. Sufficient information to make a determination was received on March 29, 2016, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Bridge Meadows is a domestic non-profit corporation that provides housing and other services to adoptive families and elders in an intergenerational community.
2. New Avenues for Youth, Inc. is a domestic non-profit corporation that works to prevent youth homelessness and to provide at-risk youth with resources and life skills.
3. Bridge Meadows and New Avenues for Youth, Inc. plan to enter into a joint venture partnership to build the proposed New Meadows Project ("the Project"). The Project, to be located at the corner of Dana Avenue and Hunt Street in North Portland, will be a two-story, 15-unit apartment building that provides affordable housing to young persons who are aging out of foster care. Fourteen units will be occupied by young persons; a live-in youth counselor will occupy the remaining unit. The Project will include residential amenities including a common area, but will not include commercial space.
4. With the exception of the live-in youth counselor, the Project exclusively will serve tenants earning not more than 30% of Multnomah County's median family income.
5. The Project will be owned by New Meadows, LLC - a domestic limited liability company owned jointly by Bridge Meadows and New Avenues for Youth, Inc. Neither Bridge Meadows nor New Avenues for Youth, Inc. is a public agency as defined in ORS 279C.800(5). Neither Bridge Meadows nor New Avenues for Youth, Inc. is a housing

PORTLAND

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

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3865 Wolverine St. NE; E-1
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authority as defined in ORS 456.005. Bridge Meadows currently owns the land on which the Project will be built; Bridge Meadows will transfer ownership of the land to New Meadows, LLC as part of the Project.

6. The Project is estimated to cost \$2.8 million. Funding sources are as follows:
 - a. Funds of a Public Agency: \$1,049,500
 - i. Oregon Housing and Community Services GHAP Grant - \$250,000
 - ii. Portland Housing Bureau Acquisition Loan - \$99,500
 - iii. Portland Housing Bureau GAP Loan - \$700,000
 - b. Other Funds: \$1,753,301
 - iii. Bridge Meadows Contribution - \$24,823
 - iv. Private Individual Donation - \$1,000,000
 - v. Home Builders Foundation Discount - \$288,478
 - vi. Renaissance Homes – Profit Contribution - \$65,000
 - vii. Smith Charitable Trust - \$300,000
 - viii. Windermere Foundation - \$50,000
 - ix. Home Builders Foundation Grant - \$15,000
 - x. Corporate Donations - \$10,000

CONCLUSIONS OF LAW

1. The Project meets the definition of “residential construction” in ORS 279C.810(2)(d)(D), as the Project includes the construction, reconstruction, major renovation, or painting of an apartment building not more than four stories in height, and does not include any commercial space.
2. The site of the Project is currently owned by a private entity and, once completed, the Project will be owned by a private entity. Therefore, the Project meets the definition of “privately owned” in ORS 279C.810(2)(d)(C).
3. The Project meets the definition of “affordable housing” in ORS 279C.810(2)(d)(A), as the Project will serve occupants whose incomes are not greater than 60 percent of the area median income. The Project will “predominantly” provide affordable housing, as at least 14 of its 15 units will be reserved for affordable housing. ORS 279C.810(2)(d)(B).
4. 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 predominantly provide affordable housing. Even if the Project were to meet the definition of “public works” under ORS 279C.800(6)(a), the Project is exempt from the Prevailing Wage Rate laws pursuant to 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, will not apply to the New 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, 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.

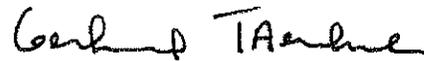
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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 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 4, 2016

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



GERHARD TAEUBEL,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On April 4, 2016, I mailed the Prevailing Wage Rate Determination for the proposed New Meadows Project to the requestor and interested parties below:

Ross Cornelius, Client Services Manager
Walsh Construction Co.
2905 SW First Avenue
Portland, OR 97201

Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2256-0012

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

Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2256-0029

Sean Suib, Executive Director
New Avenues for Youth
314 SW Ninth Ave
Portland, OR 97205

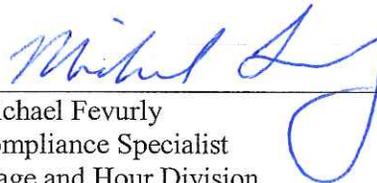
Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2256-0036

Tim Breedlove, Chief Operating Officer
Renaissance Homes
16771 Boones Ferry Road
Lake Oswego, OR 97035

Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2256-0043

Siobain Beddow, Finance Coordinator
Portland Housing Bureau
421 SW Sixth Ave, Suite 500
Portland, OR 97204

Certified Mail – Return Receipt Requested
Article # 7015-1660-0000-2256-0050



Michael Fevurly
Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries