



September 24, 2014

Andrea Sanchez
18155 NE Couch Street Associates, LLC
c/o Human Solutions, Inc.
12350 SE Powell Blvd.
Portland, OR 97236

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Rosewood Plaza
Requested by: Human Solutions, Inc.

Dear Ms. Sanchez:

On September 15, 2014, you submitted a request asking if the Prevailing Wage Rate laws would apply to the proposed project known as Rosewood Plaza. Sufficient information to make a determination was received on September 23, 2014, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. 18155 NE Couch Street Associates, LLC ("Couch Street Associates"), a domestic limited liability company, currently owns property located at 18155 NE Couch Street in Gresham, Oregon. Human Solutions, Inc., a private non-profit entity, is the sole member of Couch Street Associates.
2. The property currently consists of two existing apartment buildings and existing parking areas. The apartment buildings are two-story wood frame, with a total of 26 units.
3. The proposed Rosewood Plaza project includes the renovation of the two existing buildings. Renovation work will include the replacement of roofing, siding, windows, doors, stairs and landings; upgrade of unit interiors; and modification of the site plan for accessibility and usability. Additionally, the proposed project includes a new four-story mixed use building where the southern parking lot currently sits. The new building will house a dental clinic on the first floor, and office space for the dental provider in a portion of the second floor. The dental

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
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FAX (503) 373-7636

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clinic will serve low-income persons, regardless of whether they live in the Rosewood Plaza apartments. The rest of the second floor of the new building, and all of the third and fourth floors, will house 19 residential units and community space for the building tenants. The proposed project also includes renovation of the parking areas.

4. At the close of construction financing, which is anticipated for April 2015, Couch Street Associates will sell the property to a to-be-named Limited Partnership. Couch Street Associates will be the General Partner, and it is anticipated that Bank of America, or a subsidiary entity, will be the Limited Partner.
5. The to-be-named Limited Partnership will contract for the renovation work to be done.
6. All units are subsidized to provide affordable housing to persons with incomes at no greater than 60 percent of the area median income.
7. The total project cost, including acquisition costs, development costs, and construction costs, is estimated to be \$13,210,747. The proposed project will use \$691,726 in funds of a public agency, as follows:

\$200,000	OHCS Trust Fund
\$76,726	OHCS Low Income Weatherization Fund
\$150,000	HOME grant from City of Gresham
\$265,000	HOME grant from City of Gresham

Other funds to be used for the project include:

\$1,320,110	Permanent Loan Residential (NOAH)
\$605,000	Permanent Loan Commercial (Lender TBD)
\$9,047,095	Low Income Housing Tax Credit Equity (Bank of America)
\$254,988	Deferred Development Fee
\$22,099	Project Cash Flow
\$1,037,729	Capital Campaign
\$232,000	Wallace FF&E Donation

CONCLUSIONS OF LAW

1. The proposed project will not be carried on or contracted for by any public agency, and therefore does not meet the definition of "public works" under ORS 279C.800(6)(a)(A).
2. The proposed project will be privately owned and will use private funds, but it will not use \$750,000 or more in funds of a public agency. Therefore, the proposed project does not meet the definition of "public works" under ORS 279C.800(6)(a)(B).

3. No public agency will occupy or use any of the square footage of the finished project. Therefore, the proposed project does not meet the definition of "public works" under ORS 279C.800(6)(a)(C).

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 Rosewood Plaza.

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.

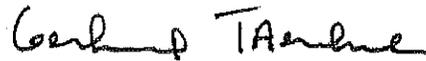
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: September 24, 2014

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On September 24, 2014, I mailed the Prevailing Wage Rate Determination for the proposed project known as Rosewood Plaza to the requestor and associated public agencies, as follows:

Andrea Sanchez
18155 NE Couch Street Associates, LLC
c/o Human Solutions, Inc.
12350 SE Powell Blvd.
Portland, OR 97236

Danny Gette
Oregon Housing & Community Services
725 Summer Street NE, Suite B
Salem, OR 97301

Laurie Wells
City of Gresham
Community Revitalization Department
1333 NW Eastman Parkway
Gresham, OR 97030

Craig Kelley
Housing Development Center
847 NE 19th Ave., Suite 150
Portland, OR 97232



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