



November 8, 2012

Howard Kopp
Resource Developer-Housing
UCAN
280 Kenneth Ford Drive
Roseburg, OR 97470

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Camas Ridge
Requested by: United Community Action Network (UCAN)

Dear Mr. Kopp:

On November 5, 2012, you submitted a request on behalf of United Community Action Network ("UCAN") asking if the Prevailing Wage Rate law would apply to the Camas Ridge project ("project"). Sufficient information to make a determination was received on November 7, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. UCAN plans to construct Camas Ridge, a new affordable housing project in Roseburg. UCAN is a non-profit company. UCAN will own and operate the development and expects construction to begin in early 2013.
2. UCAN owns a total of 0.96 acres of property at the following location: 27S, 06W, Section 22AD, Tax Lots 4100, 4200, 4300, and 4400. Construction will occur at this location.

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

EUGENE
1400 Executive Parkway, Suite 200
Eugene, OR 97401-7103
(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

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

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

Oregon Relay TTY:711

www.oregon.gov/boli
AN EQUAL OPPORTUNITY EMPLOYER

PENDLETON
Civil Rights
1327 SE 3rd St.
Pendleton, OR 97801-4101
(541) 276-7884
FAX (541) 276-5767



3. Camas Ridge will be a 10-unit multi-family apartment housing complex. The project will be two stories in height. The units will be for residents whose incomes are below 50% of the area median and who have a family member in recovery from substance abuse. The apartments will be permanent housing, so residents can stay as long as they like. There is no specific treatment program that they must participate in. Rather, the person in recovery can participate in any program of recovery.
4. The total project is estimated to cost \$1,966,931. Funding for the project will come from the following source:
 - a. Funds of a public agency: \$1,841,931
 - i. Oregon Housing & Community Services Grant - \$1,641,931
 - ii. Oregon Health Authority Grant - \$200,000
 - b. Other funds: \$125,000
 - i. Meyer Memorial Trust (awaiting decision) - \$125,000

CONCLUSIONS OF LAW:

1. The proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(B) because the project will be privately owned and it will use \$750,000 or more in funds of a public agency.
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 proposed project is a project for residential construction because it is a project for construction an apartment housing complex of no more than two stories in height. The project will be privately owned by United Community Action Network, a private non-profit. The project will predominately provide affordable housing because the tenants will have incomes no greater than 50 percent of the area median. Therefore, this exemption would apply.

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 Camas Ridge 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

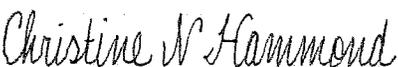
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: November 8, 2012

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



CHRISTINE N. HAMMOND,
Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

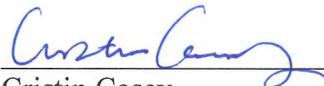
On November 8, 2012, I mailed the Prevailing Wage Rate Determination for the Camas Ridge project to the requestor and associated public agency, as follows:

Howard Kopp
Resource Developer-Housing
UCAN
280 Kenneth Ford Drive
Roseburg, OR 97470

Certified Mail – Return Receipt Requested
Article #: 7012 1010 0001 2377 5883

Roz Barnes
Oregon Housing & Community Services
North Mall Office Building
725 Summer St. NE, Suite B
Salem, OR 97301-1266

Certified Mail – Return Receipt Requested
Article #: 7012 1010 0001 2377 5876



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