May 15, 2019

Anna Geller, President
Geller Silvis & Associates, Inc.
8370 SE Causey Avenue, Suite B
Happy Valley, OR 97086

Re: Determination Whether Project is Subject to Prevailing Wage Rate Laws
Project: Fuller Station Affordable Housing
Requested by: Geller Silvis & Associates, Inc.

Dear Ms. Geller:

On April 30, 2019, the Bureau of Labor and Industries received your request asking if the Prevailing Wage Rate laws would apply to the proposed Fuller Station Affordable Housing project. Sufficient information to make a determination was received on May 14, 2019, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. TriMet, a public agency under ORS 279C.800(5), currently owns property located at 9608 SE Fuller Road, in unincorporated Clackamas County. Northwest Real Estate Developers LLC (“NRED”), a private entity, is in an escrow agreement with TriMet to purchase the property at fair market value, appraised at $1,200,000. The Purchase and Sale Agreement was signed on October 5, 2018; the closing date is March 31, 2020.

2. Geller Silvis & Associates, Inc., developer for NRED, intends to construct an affordable housing development on the property, referred to as Fuller Station Affordable Housing (the “Project”). The Project will be comprised of a six-story building with 100 one-, two- and three-bedroom apartments, and will include two community rooms and a computer lab. The Project will also include parking, an outdoor play area, and a community garden. The Project will not include any commercial space. Construction is planned to begin in April 2020 and should be completed in June 2021.

3. Of the 100 apartments, 95 will be available to occupants whose incomes are no greater than 60 percent of the area median income. The remaining 5 apartments will be available to occupants whose incomes are no greater than 80 percent of the area median.
4. Prior to construction, ownership of the property will transfer to Green Line Affordable Development Limited Partnership ("GLAD LP"). Fuller Affordable Ventures LLC, whose sole member is NRED, will be the General Partner of GLAD LP, with 0.001 percent interest. A to-be-named investor will be the Limited Partner of GLAD LP, with 99.999 percent interest. No public agency will own an interest in GLAD LP.

5. Funds of a public agency to be used on the Project include, but are not limited to:
   $14,155,909 Metro Affordable Housing Bond Funds
   $ 500,000 Metro Transit Oriented Development Funds
   $ 465,000 Oregon Housing and Community Services ("OHCS") GAP Financing
   $ 331,231 OHCS Oregon Multi Family Energy Program

Other funds to be used for the Project include, but are not limited to:
$16,438,837 Low Income Housing Tax Credit
$10,310,000 Permanent Loan
$ 1,434,422 Deferred Development Fee

CONCLUSIONS OF LAW

1. The Project meets the definition of "public works" under ORS 279C.800(6)(a)(B), as the Project will use $750,000 or more of funds of a public agency for renovation of buildings.

2. No exemptions from the Prevailing Wage Rate laws under ORS 279C.810 apply to the Project.

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the Fuller Station Affordable Housing 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: May 15, 2019

Val Hoyle, Commissioner
Bureau of Labor and Industries

[Signature]

Lois Johnson, Interim Administrator
Wage and Hour Division
Bureau of Labor and Industries
Certificate of Service

On May 15, 2019, I mailed the Prevailing Wage Rate Determination for the Fuller Station Affordable Housing project to the requestor, as follows:

Anna Geller, President
Geller Silvis & Associates, Inc.
8370 SE Causey Avenue, Suite B
Happy Valley, OR 97086

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