



May 28, 2015

Greg Gortmaker  
Station 162 Housing LLC  
c/o QUAD Inc.  
5100 SW Macadam Ave., Ste. 130  
Portland, OR 97239

Re: *Determination of Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Station 162  
Requested by: Station 162 Housing LLC

Dear Mr. Gortmaker:

On May 22, 2015, you submitted a request on behalf of Station 162 Housing LLC regarding whether Oregon prevailing wage rate law would apply to the proposed Station 162 Project in Gresham, Oregon. Sufficient information to make a determination was received on May 28, 2015, and therefore, the commissioner issues the following determination:

#### FINDINGS OF FACT:

1. Station 162 Housing LLC is a domestic limited liability company that intends to oversee and ultimately own the Station 162 Project, which will provide affordable housing to seniors and people with physical disabilities.
2. Quadriplegics United Against Dependence Inc. ("QUAD Inc.") is a domestic nonprofit corporation that seeks to foster personal independence for lower-income persons living with severe physical disabilities. QUAD Inc. is the sole member of Station 162 Housing LLC.
3. The Station 162 Project will include the construction of 44 units of affordable housing in one four-story building. The building will also include office space for QUAD Inc. staff, a resident community room, and two lobbies on the ground floor. The building will not include any commercial space.
4. All 44 units will be leased only to occupants whose incomes are at or below 60% of the area median income.
5. No public agency will occupy or use any part of the Station 162 Project.

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6. The estimated total project cost is \$11,412,850. Funding sources for the Station 162 Project include:

- a. Funds of a public agency: \$400,000
  - i. General Housing Account Program: \$200,000
  - ii. Low Income Weatherization: \$25,000
  - iii. HOME from City of Gresham: \$175,000
- b. Other funds: \$11,012,850
  - i. Sponsor Loan: \$435,000
  - ii. Permanent Loan Commercial (Lender TBD): \$1,111,362
  - iii. Low Income Housing Tax Credit Equity: \$8,810,119
  - iv. Deferred Development Fee: \$226,369
  - v. FHLB: \$430,000

**CONCLUSIONS OF LAW:**

1. The Station 162 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 Station 162 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 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 Station 162 Project. Therefore, the Project does not meet the definition of “public works” under ORS 279.800(6)(a)(C).
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 that predominantly provide affordable housing. As such, even if the Station 162 Project met the definition of “public works” under ORS 279C.800(6)(a), it would be exempt from the prevailing wage rate laws.

**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 Station 162 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 wish to request a hearing, the Bureau of Labor and Industries, Wage and Hour Division, must receive your written request within 21 days of 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

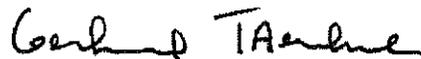
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 the 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.

Date: May 28, 2015

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries



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

Station 162 Project  
Station 162 Housing LLC  
Coverage Determination  
Page 3 of 4

**Certificate of Service**

On May 28, 2015, I mailed the Prevailing Wage Rate Determination for the proposed Station 162

Project to the requestor and interested parties below:

Greg Gortmaker  
Station 162 Housing LLC  
c/o QUAD Inc.  
5100 SW Macadam Ave., Ste. 130  
Portland, OR 97239

Certified Mail – Return Receipt Requested  
Article #: 7014-0510-0001-9850-2762

France Fitzpatrick  
Housing Development Center  
847 NE 19<sup>th</sup> Ave., Ste. 150  
Portland, OR 97232

Certified Mail – Return Receipt Requested  
Article #: 7014-0510-0001-9850-2779

Michael McHam  
Oregon Housing and Community Services  
725 Summer St. NE Ste. B  
Salem, OR 97301

Certified Mail – Return Receipt Requested  
Article #: 7014-0510-0001-9850-2786

Mary Phillips  
City of Gresham  
1333 NW Eastman Pkwy  
Gresham, OR 97030

Certified Mail – Return Receipt Requested  
Article #: 7014-0510-0001-9850-2793



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