



January 27, 2012

Karan Reed
Housing Director
NeighborWorks Umpqua
605 SE Kane Street
Roseburg, OR 97470

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: Eagle Landing
Requested by: Umpqua Community Development Corp. dba
NeighborWorks Umpqua

Dear Ms. Reed:

On January 23, 2012, you submitted a request on behalf of NeighborWorks Umpqua asking if the Prevailing Wage Rate law would apply to the Eagle Landing project ("project"). Sufficient information to make a determination was received on January 26, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Umpqua Community Development Corp. dba NeighborWorks Umpqua is planning to construct Eagle Landing – a housing project for homeless and potentially homeless veterans. Umpqua Community Development Corp. dba NeighborWorks Umpqua is a private domestic non-profit located in Roseburg, Oregon.
2. Umpqua Community Development Corp. dba NeighborWorks Umpqua will enter into a working relationship with the United Community Action Network to develop the project. United Community Action Network is a private domestic non-profit located in Roseburg, Oregon. The entity will be a Limited Liability

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Company known as Umpqua UCAN, LLC. Umpqua UCAN, LLC will act as the project manager, construction manager and the contracting entity. Umpqua Property Management will manage the residents after construction is completed.

3. The project will be built on approximately five acres of federally owned land located on the Roseburg Veterans Medical Center campus. Eagle Landing Associates, LLC, a private company, will own the project and will be entering into a 75-year enhanced use lease agreement with the Veterans Administration. Eagle Landing Associates, LLC is made up of Umpqua UCAN, LLC (which is made up of Umpqua Community Development Corp. dba NeighborWorks Umpqua and United Community Action Network) and Enterprise Community Investment, Inc.
4. Eagle Landing will consist of fifty-five affordable housing duplex and apartment units in ten one to two story buildings. There will be forty-four one bedroom units, eight two bedroom units and two three bedroom units to house homeless and potentially homeless veterans. Income of the tenants will be at 50% or less of the area median income.
5. The total project is estimated to cost \$12,198,491. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$1,278,000
 - i. Oregon Housing and Community Services
 1. HELP Grant - \$200,000
 2. HOME Grant (anticipated) - \$900,000
 3. Housing Trust Fund - \$178,000
 - b. Federal Funds: \$2,298,754
 - i. Veterans Administration
 1. Land lease - \$1,250,000
 2. Construction subsidy - \$1,000,000
 - ii. Energy Tax Credits - \$48,754
 - c. Other Funds: \$8,621,737
 - i. Oregon Housing and Community Services
 1. LIHTC (Low Income Housing Tax Credit) - \$7,543,246
 - ii. NeighborWorks America - \$350,000
 - iii. Meyer Memorial Trust - \$500,000
 - iv. Private Foundation - \$148,491
 - v. Deferred Development fee - \$60,000
 - vi. Energy Trust of Oregon - \$20,000

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 will use \$750,000 or more of 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 of duplex and apartment buildings not more than two stories in height. Additionally, the project will be privately owned, by a private limited liability company. Finally, the project will predominately provide affordable housing because the tenants will have incomes no greater than 50% of the area median. Therefore, this exemption will 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 Eagle Landing 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

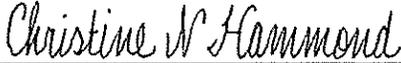
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: January 27, 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 January 27, 2012, I mailed the Prevailing Wage Rate Determination for the Eagle

Landing project to the requestor, as follows:

Karan Reed
Housing Director
NeighborWorks Umpqua
605 SE Kane Street
Roseburg, OR 97470

Certified Mail – Return Receipt Requested
Article #: 7011 2000 0000 5450 9558



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