



CHRISTINA E. STEPHENSON  
Labor Commissioner

January 11, 2023

Carly Harrison  
Edlen & Co.  
151 SW First Ave, Suite 300  
Portland, OR 97204

Re: Determination Whether Project is Subject to Prevailing Wage Rate Laws  
Project: ALBINA ONE  
Ref: 22-5784  
Requested by: Edlen & Co. on behalf of Albina Vision Trust Inc.

Dear Ms. Harrison:

On December 21, 2021, the Bureau of Labor and Industries received the request you submitted on behalf of Albina Vision Trust Inc., asking if the Prevailing Wage Rate laws would apply to the ALBINA ONE project. Sufficient information to make a determination was received on date January 3, 2023, and therefore, the commissioner issues the following determination:

#### FINDINGS OF FACT

1. Paramount Parking, LLC, a private entity, currently owns property between North Wheeler Avenue and North Flint Avenues, property ID R316283, in Portland, Oregon. Paramount Parking LLC will sell the property Abina Vision Trust Inc. ("AVT"), a non-profit entity, for a reduced price. AVT proposes to construct affordable housing at the property. The project is referred to as the Albina One project (the "Project").
2. At financial closing, ATV will sell the property on which the Project will be constructed to a yet-to-be-formed Limited Partnership (the "LP"). The General Partner of the LP will be a yet-to-be-created LLC that will be wholly owned by ATV, with a .05 percent ownership interest. The Limited Partner of the LP will be a yet-to-be-determined private tax credit investor, with 99.99 percent ownership interest. The Special Limited Partner of the LP will be a yet-to-be-created LLC that will be wholly owned by Edlen & Co., a private entity, with .05 percent ownership interest. No public entity will be a Partner in the LP.
3. The Project includes the construction of one seven-story apartment building. The Project will include a total of 94 apartment units, made up of a mix of one-, two-, and three-bedroom units. The Project also includes community rooms, a kitchenette, property management and resident services offices, a lobby, bike storage, trash rooms, a playground, a courtyard, and a laundry room. "The exact resident services programming is TBD, the community rooms will include parenting classes, nutrition and cooking classes, employment support, and Rentwell classes." The services will be provided by Portland Opportunities Industrialization Center, a nonprofit entity, as well as other service providers. There will be no fees or costs to residents for the services. At times, the community rooms will be open to non-residents. The Project also includes 1,000 feet of commercial space.



4. Sixty-two apartment units will be restricted to occupants whose incomes are not more than 60 percent of the area median income. Thirty-two apartment units will be restricted to occupants whose incomes are not more than 30 percent of the area median income.
5. Funds of a public agency to be used on the Project include:

\$14,424,000	Portland Metro Bond Funds
\$ 2,116,000	Oregon Housing and Community Services ("OHCS") Housing Trust Funds
\$ 1,700,000	City of Portland Clean Energy Fund Grant
\$ 500,000	Metro TOD Grant

Other funds to be used on the Project include:

\$26,965,000	OHCS Low Income Housing Tax Credits
\$ 1,880,000	SDC Waivers
\$ 3,286,000	Contributed Developer Fee
\$ 2,721,000	Deferred Developer Fee
\$ 8,796,000	Permanent Loan
\$ 466,000	ARPA Grant
\$ 230,000	Meyer Memorial Trust Grant
\$ 150,000	Oregon Community Foundation Grant
\$ 150,000	Hillman Grant
\$ 116,000	Federal Solar Tax Credits

## CONCLUSIONS OF LAW

1. The total funds of a public agency to be used on the Project are \$18,740,000. The Project will use \$750,000 or more in funds of a public agency. Therefore, the Project meets the definition of "public works" under ORS 279C.800(6)(a)(B).
2. The Project is an apartment building that is seven-stories tall, and it will include commercial space. Therefore, it does not meet the definition of "residential construction" and the exemption from the Prevailing Wage Rate law under ORS 279.810(2)(d) will not apply to the Project.
3. The total cost of the Project is approximately \$63,500,000. Therefore, the exemption from the Prevailing Wage Rate law under ORS 279C.810(2)(a) will not apply to the Project.
4. The Project will use funds of a public agency. As such, the exemption from the Prevailing Wage Rate law under ORS 279C.810(2)(b) will not 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 ALBINA ONE project.

This determination is based on the agency's file as of the date of this determination. If any of the project information provided is incorrect or incomplete, this determination may no longer apply. If the project or project documents are modified or supplemented after the date of this determination, this determination may no longer apply. The commissioner may make a different determination if any of the project information is incomplete or incorrect, or if the project or project documents are modified or supplemented after the date of this determination. A new determination may be requested based on the modified or supplemented information or documentation.

## 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

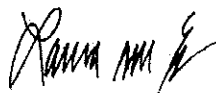
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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.

January 11, 2023

CHRISTINA E. STEPHENSON, Commissioner  
Bureau of Labor and Industries



Laura van Enkevort  
Acting Wage and Hour Administrator

### Certificate of Service

On January 11, 2023, I mailed the Prevailing Wage Rate Determination for the ALBINA ONE project to the requestor, as follows:

Carly Harrison  
Edlen & Co.  
151 SW First Ave, Suite 300  
Portland, OR 97204



---

Jolene Goodnight  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries