



VAL HOYLE  
Labor Commissioner

February 9, 2021

Bret George  
Wishcamper Development Partners LLC  
131 South Higgins, Suite P-1  
Missoula, MT 59802

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Sunshine Apartments  
Requested by: Wishcamper Development Partners LLC

Dear Mr. George:

On December 16, 2020, the Bureau of Labor and Industries received the request you submitted asking if the Prevailing Wage Rate laws would apply to the Sunshine Apartments project. Sufficient information to make a determination was received on February 3, 2021, and therefore, the commissioner issues the following determination:

#### FINDINGS OF FACT

1. Wishcamper Development Partners, LLC, a private entity, currently owns property located at 152 Sunshine Road in Roseburg, Oregon. Sunshine Housing Associates Limited Partnership ("Sunshine Housing LP") plans to construct an affordable housing project on this property. The project is referred to as Sunshine Apartments (the "Project").
2. At close of financing for the Project, the property will be sold to Sunshine Housing LP. The Administrative General Partner of Sunshine Housing LP will be Sunshine Managers LLC, a private entity. The Managing General Partner of Sunshine Housing LP will be OCHP Sunshine Park LLC, a private non-profit entity. The Limited Partner of Sunshine Housing LP will be Affordable Housing Partners, Inc., a private entity. No public agency will be a partner in Sunshine Housing LP.
3. The Project will consist of the construction of four (4) three-story buildings, with 144 residential units. The residential units will be a mix of one-, two-, and three-bedroom units. The Project will include a leasing office, fitness room, meeting space, and laundry room, as well as a maintenance building with pet grooming and bike repair areas. The Project will also include a covered outdoor barbeque area, a dedicated mailbox building, covered bike storage areas, walking trails, and a splash deck. The Project will not include any commercial space.
4. All of the apartment units will be restricted to occupants whose incomes are at or below 60 percent of the area median income.



5. The total Project cost will be approximately \$33,478,131. The Project will use the following funds of a public agency:

\$ 9,800,000 Oregon Housing and Community Services (“OHCS”) LIFT Funds  
\$ 200,000 OHCS MEP Incentives

Other funds to be used for the Project include:

\$11,660,975 First Mortgage  
\$10,230,310 Low Income Housing Tax Credit Equity  
\$ 1,586,846 Deferred Developer Fee

## **CONCLUSIONS OF LAW**

1. The Project meets the definition of “residential construction” in ORS 279C.810(2)(d)(D), as the Project includes the construction of apartment buildings not more than four stories in height, and does not include any commercial space.
2. The Project will be owned by a private entity, and is therefore “privately owned” under ORS 279C.810(2)(d)(C).
3. The Project meets the definition of “affordable housing” in ORS 279C.810(2)(d)(A), as the Project will serve occupants whose incomes are not greater than 60 percent of the area median income. The Project will “predominately” provide affordable housing, as 60 percent or more of the units will be for affordable housing. ORS 279C.810(2)(d)(B).
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 predominately provide affordable housing. Even if the Project meets the definition of “public works” under ORS 279C.800(6)(a), it will 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 Sunshine Apartments 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

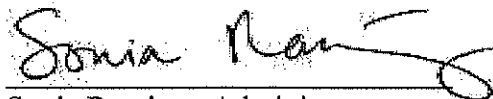
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: February 9, 2021

VAL HOYLE, Commissioner  
Bureau of Labor and Industries



Sonia Ramirez, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

On February 9, 2021, I mailed the Prevailing Wage Rate Determination for the Sunshine Apartments project to the requestor and interested party, as follows:

Bret George  
Wishcamper Development Partners LLC  
131 South Higgins, Suite P-1  
Missoula, MT 59802

Tyler Young, Production Analyst  
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Irma Porras  
Administrative Specialist  
Wage and Hour Division  
Bureau of Labor and Industries