

Douglas McRae  
Willamette Neighborhood Housing Services  
257 SW Madison Ave  
Corvallis OR 97333

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*  
Project: Alexander Court  
Requested by: Willamette Neighborhood Housing Services

Dear Mr. McRae:

On June 26, 2008, you submitted a request on behalf of Willamette Neighborhood Housing Services (“WNHS”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by July 3, 2008, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT**

1. WNHS, a private non-profit organization, owns the project site located at Alexander Avenue and Highway 99W in Corvallis, Oregon.
2. WNHS proposes to redevelop the property into a housing development consisting of a total of 26 rental units in seven buildings. Of the 26 residential units to be built, all will be units occupied by occupants whose incomes are no greater than 60 percent of the area median income. One of the buildings will also contain office space on the ground floor, with an area of approximately 2,790 square feet. The office space will be used by a local non-profit agency, which will provide services to some of the housing occupants. All of the buildings will be less than four stories in height. As part of the project, WNHS will complete certain street improvements to provide access to the site.
3. To develop the project, WNHS expects to use a loan in the amount of \$1,000,000 from the City of Corvallis (“City”) and grant funds totalling \$860,000 from Oregon Housing and Community Services Department (“OHCS”).

## **CONCLUSIONS OF LAW**

1. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(B) will apply to this project if the City and OHCS commits funds to this project, as proposed.
2. The project meets the definition of “residential construction” under ORS 279C.810(2)(d)(D), is privately owned, and will predominantly provide affordable housing. Therefore, the exemption for residential construction that provides affordable housing will apply.

## **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 Alexander Court 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

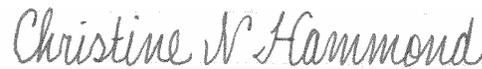
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: July 8, 2008

Brad Avakian, Commissioner  
Bureau of Labor and Industries



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Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## **Certificate of Service**

On July 8, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Alexander Court project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Kent Weiss  
Housing Division Manager  
City of Corvallis  
PO Box 1083  
Corvallis OR 97339-1083

Jack Duncan  
Oregon Housing and Community Services  
725 Summer St NE, Suite B  
Salem OR 97301-1271

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Gerhard Taeubel, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries