



March 19, 2015

Mr. Josh Harman
Chrisman Development, Inc.
PO Box 490
Enterprise, OR 97828

Re: *Determination of Whether Project is Subject to Prevailing Wage Rate Law*
Project: Big River Apartments
Requested by: Chrisman Development, Inc.

Dear Mr. Harman:

On March 13, 2015, you submitted a request on behalf of Chrisman Development, Inc. regarding whether Oregon prevailing wage rate law would apply to the proposed Big River Apartments in St. Helens, Oregon. Sufficient information to make a determination was received on March 17, 2015, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT:

1. Chrisman Development, Inc. ("Chrisman") is an Oregon corporation specializing in the development, rehabilitation, and management of affordable housing projects.
2. Chrisman intends to facilitate Big River Apartments LLC's purchase of three properties in St. Helens, Oregon: Crest Apartments, Norcrest Apartments, and Woodland Trail Apartments.
3. After Big River Apartments LLC purchases Crest Apartments, Norcrest Apartments, and Woodland Trail Apartments, it will consolidate the properties into one legal entity (hereinafter referred to as "the Properties"). Although one legal entity, each of the three apartment complexes will bear difference names: Big River Apartments – Crest, Big River Apartments – Norcrest, and Big River Apartments – Woodland Trail, respectively.
4. Big River Apartments LLC will contract for rehabilitation work on the Properties. Planned work includes the complete rehabilitation of existing building envelopes, the installation of new siding, the installation of new roofing, and other improvements.
5. Ten buildings holding 83 residential units comprise the Properties. Eight of the ten buildings are three stories in height; two of the buildings are two stories tall. All buildings will be used only for residential purposes; there will be no commercial space on the Properties.

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Portland, OR 97232-2180
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6. All units will be leased only to occupants whose incomes are at or below 60% of the area median income.
7. The estimated total project cost is \$13,084,175. Funding sources for the Big River Apartment Project include:
 - a. Funds of a public agency: \$200,000
 - i. General Housing Account Program: \$200,000
 - b. Other funds: \$13,312,535
 - i. Low Income Housing Tax Credit Equity Investment: \$8,365,165
 - ii. USDA Rural Development Loan – Assumption: \$3,087,000
 - iii. Permanent Loan – US Bank: \$1,800,000
 - iv. Project Cash Flow: \$60,370
8. No public agency will occupy or use any square footage of the Properties.

CONCLUSIONS OF LAW:

1. The Big River Apartments 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 Big River Apartments 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 Project. Therefore, the Project does not meet the definition of “public works” under ORS 279.800(6)(a)(C).

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 Big River 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 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 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

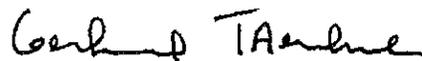
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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: March 19, 2015

BRAD AVAKIAN, Commissioner
Bureau of Labor and Industries



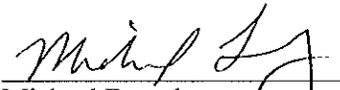
Gerhard Taeubel, Administrator
Wage and Hour Division
Bureau of Labor and Industries

Certificate of Service

On March 19, 2015, I mailed the Prevailing Wage Rate Determination for the proposed Big River Apartments Project to the requestor below:

Josh Harman
Chrisman Development, Inc.
PO Box 490
Enterprise, OR 97828

Certified Mail – Return Receipt Requested
Article #: 7012-3460-0001-3059-8692



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