



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

March 18, 2015

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

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Pacific Park Apartments
Requested by: Chrisman Development, Inc.

Dear Mr. Harman:

On March 13, 2015, you submitted a request asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on March 13, 2015, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Chrisman Development, Inc., a domestic business corporation, plans to purchase the Sherwood Park Apartments in Sherwood, Oregon, and the Canby West Apartments in Canby, Oregon. Once the properties have been acquired, they will be consolidated into one legal entity and will operate as one single project known as Pacific Park Apartments.
2. The project consists of the reconstruction and renovation of 68 multifamily residential units in ten two-story apartment buildings and two single-story apartment buildings. The project also includes the reconstruction and renovation of two single-story maintenance buildings, one single-story common laundry building, and one single-story community building.
3. The project will be owned by a private domestic limited liability company called Pacific Park Apartments, LLC. The members of the Pacific Park Apartments, LLC are Anthony R Chrisman and Douglas C Chrisman who will each own a 50 percent share of the company.
4. All of the 68 multifamily residential units will be restricted to households at or below 60% of the area median income.

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5. The total project cost will be \$10,870,504. Funding for the project includes the following sources:
 - a. Funds of a public agency: \$260,000
 - i. General Housing Account Program: \$200,000
 - ii. Low Income Weatherization Program: \$60,000
 - b. Other Funds: \$10,610,504
 - i. Oregon Housing and Community Services Department Low Income Housing Tax Credit equity: \$6,471,802
 - ii. Permanent Loan - US Bank (OAHTC): \$1,800,000
 - iii. Permanent Loan - US Bank: \$1,600,000
 - iv. USDA RD Permanent Loan - Assumption: \$585,000
 - v. Deferred Development fee: \$86,600
 - vi. Project Cash Flow: \$67,102
6. No public agency will occupy or use any square footage of the completed project

CONCLUSIONS OF LAW

1. The proposed 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 proposed 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 proposed 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 finished project. Therefore, the proposed project does not meet the definition of "public works" under ORS 279C.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 Pacific Park 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

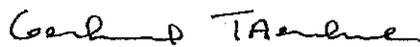
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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 either by 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, and 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 issued 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: March 18, 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 18, 2015, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Pacific Park Apartments project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

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

Hannah Wood

Hannah Wood, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries