



December 11, 2012

Andrew Brand
Director of Development
Evergreen Housing Development Group, LLC
600 University St., Suite 3011
Seattle, WA 98101

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*
Project: West Orchard Apartments
Requested by: Evergreen Housing Development Group, LLC

Dear Mr. Brand:

On December 5, 2012, you submitted a request asking if the Prevailing Wage Rate law would apply to the proposed project known as West Orchard Apartments. Sufficient information to make a determination was received on December 10, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The proposed project, known as West Orchard Apartments, will be a new construction project on 7.78 acres of land near 1410 River Road in Eugene, Oregon. The land is currently owned by Schmitz Homeplace, LLC, a private entity. Evergreen Housing Development Group, LLC, a private entity, will be the project developer. RRP, LLC, a privately-owned single asset entity and an affiliate of Evergreen Housing Development Group, LLC, will purchase the property in 2013.
2. RRP, LLC proposes to build 13 three-story apartment buildings and one single-story clubhouse and leasing office on the property. The clubhouse will include office and storage space, an exercise room, and a community room, and will be available for use solely by the apartment community.
3. All occupants' incomes will be no greater than 60 percent of the area median income.

PORTLAND
800 NE Oregon St. Suite 1045
Portland, OR 97232-2180
(971) 673-0761
Fax (971) 673-0762

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4. The proposed project will use the following funds:
 - \$5,668,675 Sale of Low-Income Housing Tax Credits
 - \$18,000,000 HUD 221(d)(4) Loan
 - \$1,576,280 Deferred Developer Fee Loan
 - \$13,000,000 Tax-Exempt Bonds issued by Oregon Housing and Community Services

CONCLUSIONS OF LAW

1. It has not been determined if any of the funding sources for this proposed project are funds of a public agency as defined in ORS 279C.810(1)(a) and OAR 839-025-0004(9). However, it is not necessary to evaluate this question as the proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. As such, the exemption from the prevailing wage rate law provided for in ORS 279C.810(2)(d) will apply to this proposed project.

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed project known as West Orchard Apartments.

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

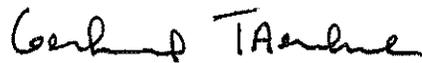
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: December 11, 2012

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On December 11, 2012, I mailed the Prevailing Wage Rate Determination for the proposed project known as West Orchard Apartments to the requestor and public agency associated with this project, as follows:

Andrew Brand
Director of Development
Evergreen Housing Development Group, LLC
600 University St., Suite 3011
Seattle, WA 98101

Janna Graham
Multifamily Finance & Resources Section
Oregon Housing and Community Services
725 NE Summer St.
Salem, OR 97301



Susan Wooley
PWR Technical Assistance Coordinator
Wage and Hour Division
Bureau of Labor and Industries