

November 15, 2010

Betty Tamm, Executive Director
Umpqua Community Development Corp
605 SE Kane St
Roseburg, OR 97470

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Brookside Court Apartments
Requested by: Umpqua Community Development Corporation

Dear Ms. Tamm:

On November 2, 2010, you submitted a request on behalf of the Umpqua Community Development Corporation (UCDC) asking if the Prevailing Wage Rate law would apply to the proposed Brookside Court Apartments construction project. Sufficient information to make a determination was received on November 12, 2010, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. UCDC is the project and construction manager and current owner of the Brookside Court Apartments project located at 1623 NE Vine Street in Redmond, Oregon.
2. Ownership of the property will be shared with National Equity Fund, Inc. who will be providing \$4,049,095 in private funds through low income housing tax credits.
3. UCDC proposes to provide major renovation to the current residential property. The Brookside Court Apartments will consist of seven two-story buildings, with a total of 49 apartments. The buildings will not include any commercial or retail space. One hundred percent of the occupants' income of these apartments will be less than 60 percent of the area median income.
4. The estimated cost of the project is \$6,378,425. To develop the project, UCDC intends to use \$5,633,425 in private funds and \$745,000 in public funds from the Oregon Housing and Community Services (OHCS).

CONCLUSIONS OF LAW

1. The proposed Brookside Court Apartments construction project will be privately owned. Less than \$750,000 in funds of a public agency will support this project and no public agency will occupy or use the completed project. Therefore, the proposed project is not a "public works" under ORS 279C.800(6)(a)(A), (B) or (C).

2. The proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. If public funds exceed \$750,000, the project will be exempt under ORS 279C.810(2)(d).

DETERMINATION

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, does not apply to the Brookside Court 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 HB 2140 Section 43 (Enrolled) OR Laws 2007. 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.

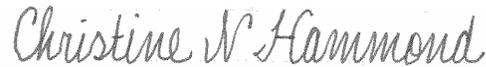
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a

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: November 15, 2010

Brad Avakian, Commissioner
Bureau of Labor and Industries



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

Certificate of Service

On November 15, 2010, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Brookside Court Apartments project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Betty Tamm, Executive Director Certified Article #: 7009 2820 0001 4828 9541
Umpqua Community Development Center
605 SE Kane St
Roseburg, OR 97470

Delores Vance Certified Article #: 7009 2820 0001 4828 9534
Oregon Housing and Community Services
752 Summer St NE Suite B
Salem, OR 97301

Tiffany D. Wirkus, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries