

October 25, 2010

Nick Sauvie, Exec. Director  
Rose Community Development  
5215 SE Duke St.  
Portland, OR 97206-6839

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*  
Project: The Bellrose Station Apartments (Formerly The Glen)  
Requested by: Rose Community Development

Dear Mr. Sauvie:

On October 18, 2010, you submitted a request on behalf of The Bellrose Station Apartments asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by October 18, 2010, and therefore, the commissioner issues the following determination:

#### **FINDINGS OF FACT**

1. The developer, Rose Community Development, represents that the proposed project is an acquisition and renovation of a 40-unit apartment community. Rose CDC, a 501(c)(3) nonprofit organization, will continue to own the property after the renovations are complete.
2. The funding sources for the project are a mix of public funds and private funds, including an acquisition loan from ShoreBank Pacific, in the amount of \$1,030,000; a loan from the Portland Housing Bureau in the amount of \$3,318,193; a grant from Oregon Energy Trust in the amount of \$17,464; a \$500,000 grant from Oregon Housing and Community Services (OHCS); and a grant from Portland Housing Bureau for \$40,375.
3. The general contractor for this project will be Seabold Construction. The project consists of eight one- and two-story buildings, for a total of 40 units. The 40 units consist of 10 three-bedroom units and 30 two-bedroom units and will provide affordable housing to low-income southeast Portland families. All of the residents will earn 60% or less of the area median income. A small community room (to be used by on-site property management staff and tenants) will be created at the current resident pool area. This community space will be approximately 600 square feet.

The planned renovation activities consist of deferred maintenance and replacement of worn out finishes. The total project cost is \$5,190,132. Structural work will be limited to exterior deck dry-rot repair.

This past summer Multnomah County used approximately \$75,000 of weatherization funds (ARRA) to weatherize the buildings. The scope of this work was limited to insulation and replacement of old refrigerators and bath fans. Multnomah County directly hired and paid its own contractors to perform this work.

4. No public agency will occupy any part of the project. The total project is comprised of strictly residential, low-income, apartments.

### **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.

2. The project is for residential construction that is privately owned and that predominantly provides affordable housing. Therefore, it will be exempt from the Prevailing Wage Rate law. 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, do not apply to The Bellrose Station 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

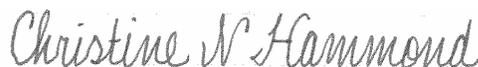
If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

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: October 25, 2010

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 October 25, 2010, I mailed, by certified mail, the Prevailing Wage Rate Determination for The Bellrose Station Apartments project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Nick Sauvie, Exec. Director  
Rose Community Development  
5215 SE Duke St.  
Portland, OR 97206-6839

Ms. Carol Kowash  
Oregon Housing and Community Services  
725 Summer St. NE, Suite B  
Salem, OR 97301-1266

Mr. Nate McCoy  
Portland Housing Bureau  
421 SW 6<sup>th</sup> Ave., Suite 500  
Portland, OR 97204

H.C. Tupper  
Multnomah County  
421 SW Oak Street, Suite 200  
Portland, OR 97204

Ms. Bonnie Anderson  
ShoreBank Pacific  
1101 SW Washington St.  
Portland, OR 97205

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Debbie Sluyter, Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries