

CROOK COUNTY WORK SESSION

**Administration Conference Room
203 NE Court Street, Prineville, OR**

Tuesday April 11, 2023 at 9 a.m.

**Members of the public and media are welcome to attend
in person or via Zoom 1-253-215-8782; Meeting ID: 962 4214 4333
Meeting Passcode: 970900**

	Requester	Discussion Matter	Packet Docs
1		Public Comment	
2	Will VanVactor	Community Development Update	✓
3	Eric Blaine	Request to waive public records request compilation fees, Jenifer Jocelyn	✓

	Requester	Executive Discussion Matter	Packet Docs
Exec #1		ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.	

Items placed on the Work Session agenda are intended for discussion only, without making decisions or finalizing documents unless an emergency exists.

**The Court may add additional items arising too late to be part of this Agenda. Agenda items may be rearranged to make the best use of time.*

**The meeting location is accessible to persons with disabilities. If additional accommodations are required, please submit your request 48 hours prior to the meeting by contacting County Administration at 541-447-6555.*

*Requests to be placed on the Work Session agenda are
due by 5 p.m. the Thursday before the Work Session*

April 11, 2023 Work Session Agenda

AGENDA ITEM REQUEST



Date:

4/6/2023

Meeting date desired:

4/11/2023

Subject:

Monthly Memo RE: Community Development Activity

Background and policy implications:

Budget/fiscal impacts:

Requested by:

Will Van Vactor, Crook County Community Development Director, and Randy Davis, Crook County Building Official

Presenters:

Will Van Vactor, Crook County Community Development Director, and Randy Davis, Crook County Building Official

Legal review (only if requested):

Elected official sponsor (if applicable):

/



Community Development Department

Mailing: 300 NE Third St. RM 12, Prineville, OR 97754 ☐ Phone: 541-447-3211

MEMO

TO: Crook County Court

FROM: Will Van Vactor, Director
Randy Davis, Building Official

DATE: April 6, 2023

SUBJECT: Community Development Activity Update

Below is a summary of building, planning and onsite activity for the last month.

Building:

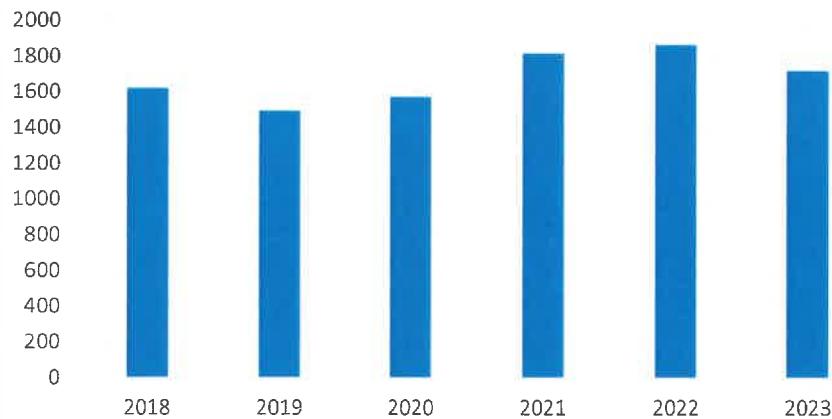
Permits issued summary (March):

Permit Type	Number of Permits
New Residential Dwellings (Site Built or Manufactured)	20
Commercial (plumbing, electrical, structural, etc.)	39
Residential Permits (plumbing, electrical, mechanical etc.)	120
Residential Structural (shops, etc.)	23
Other (e.g. demo)	0
TOTAL	202

Comparisons:

Time Frame	Permits
March 2023	202
March 2022	236
YTD 2023	526
YTD Comparison 2022	562
Fiscal YTD	1,723
Fiscal YTD Comparison 2022	1,868

Building Fiscal YTD Comparisons July-March



Active Permits:

Permit Type	Amount Still Active as of end of March
Dwellings (Site Built or Manufactured)	232
Other Residential Permits	860
Commercial Permits	386

Daily Inspections:

Inspection Type	Amount this month
Residential	899
Commercial	259
All	1,158

Larger Projects Under Construction:

Justice Center
CCO3 Data Center
CCO5&6 Data Center
Apple Data Center
Extraction Facility at Prineville Campus
Multiple Commercial Structures at Tom McCall Industrial Park
Mid Oregon Credit Union Tenant Improvement
7,500 sq' office/warehouse for Rosendin Electric.
NW Murphy lane. 1- 68 unit 13,600 sq' and 1 -30 unit 7,500 sq' building.
Walgreens
10,311 sq' remodel, IBEW Local 280 training facility.
Arby's
Liquor Store on N. Main
Hangers at Airport

Larger Projects Under Review or Incoming:

Apple Revisions
Area H & I of Prineville Campus
Central Oregon Processing

Planning:

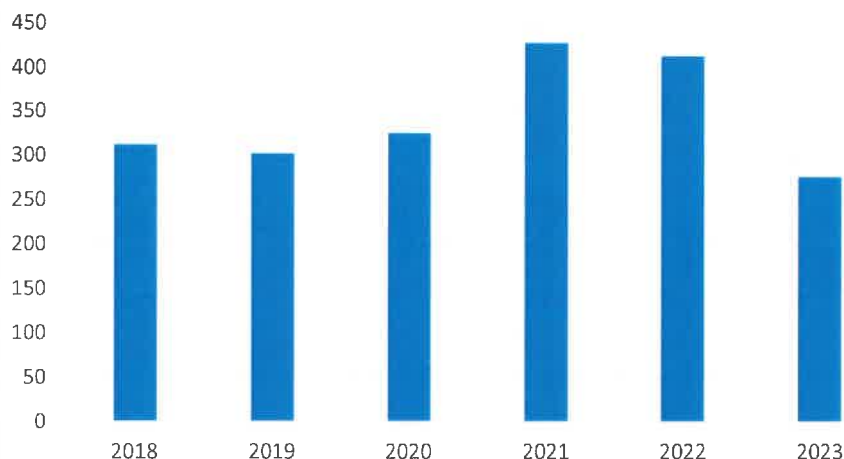
Applications received (March):

Application Type	# of Applications (March 2023)	YTD
Appeals	0	0
Variance	0	0
Site Plan Review	34	67
Land Partition	1	1
Combine/Un-Combine Lots	0	0
Road Approach	3	8
Boundary Line Adjustment	2	3
Destination Resort	0	0
Conditional Use	0	2
Miscellaneous (Temporary Hardship Two-year renewals)	6	22
Road Name/Rename	0	1
Extension	1	2
Amendment	3	3
TOTAL	50	109

Comparisons:

Time Frame	Permits
March 2023	50
March 2022	49
YTD 2023	109
YTD Comparison 2022	127
Fiscal YTD	277
Fiscal YTD Comp 2022	413

Planning Fiscal YTD Comparisons July-March



Notable Land Use Applications:

Request	Status
Solar (TSR North)	Appeal continued to April 5
Agri-Tourism 18 events – Kerley Ranches LLC	Going before Planning Commission April 12
Agri-Tourism – O Neil Arena	Going before Planning Commission tentatively May/June
Crossing Trails Destination Resort Overlay Removal	Going before Planning Commission April 26
Comp Plan & Text Amendment – RMG Destinations LLC	Being reviewed by staff for completeness, schedule TBD.

Notable City Land Use Applications:

Request	Status
Expansion of Greenbar mini-storage facility – 1500 NW Murphy Ct	In review by City Planning, hearing scheduled for April 18
19,800 sq. ft. industrial building each on two lots, remaining lot proposing 27,000 sq. ft. outside RV storage area with no structures – SW Empire Drive.	Under notice period until April 10

On-Site:

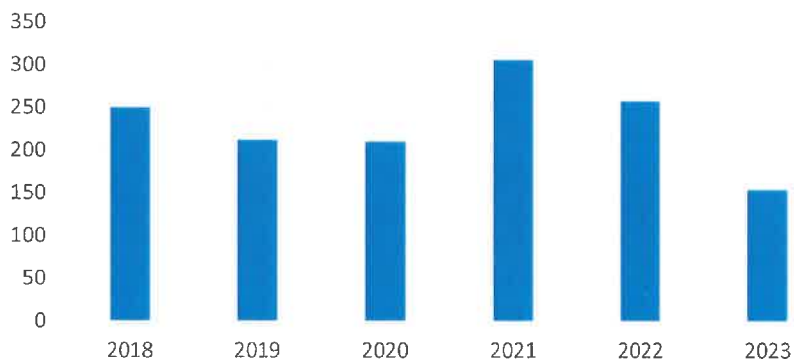
Applications (March 2023):

Application Type	Number of Applications
Residential Authorization	0
Commercial Authorization	0
Construction Permit (Residential)	4
Construction Permit (Commercial)	0
Repair (Major) - Residential	3
Repair (Minor) - Residential	2
Repair (Major) - Commercial	0
Repair (Minor) - Commercial	0
Residential Site Evaluation	4
Commercial Site Evaluation	0
Alteration (Minor) – Residential	3
Alteration (Major) – Residential	0
Alteration (Minor) - Commercial	0
TOTAL	16

Comparisons:

Time Frame	Permits
March 2023	16
March 2022	26
YTD 2023	42
YTD Comparison 2022	75
Fiscal YTD	155
Fiscal YTD Comparison 2022	259

On-Site Fiscal YTD Comparisons July-March



AGENDA ITEM REQUEST



Date:

April 6, 2023

Meeting date desired:

April 11, 2023

Subject:

Request for a fee waiver for a public records request

Background and policy implications:

A local resident has made a public records request to the Crook County Sheriff's Office and District Attorney's office, and estimates for the necessary compilation fees have been provided to her. The requester has asked that the fees be entirely waived. Under the County's public records policy, and applicable law, the County Court is empowered to make this decision. The operative question is whether the fee waiver is in the public interest, rather than a private interest.

Budget/fiscal impacts:

The estimate for the Sheriff's Office request is \$1,645.00. The estimate for the DA Office's request is \$10,609.44.

Requested by:

*Eric Blaine, County Counsel
Eric.blaine@CrookCountyOR.gov
541-416-3919*

Presenters:

Eric Blaine

Legal review (only if requested):

N/A

Elected official sponsor (if applicable):

N/A



Crook County Legal Department

Mailing Address: 300 NE Third St., Prineville, OR 97754

• Phone: 541-416-3919

Physical Address: 267 NE 2nd St., Ste 200, Prineville, OR 97754

• Fax: 541-447-6705

March 27, 2023

Sent via email to djenjocelyn@gmail.com

Jenifer A. Jocelyn
4849 NW Grimes Road
Prineville, OR 97754

Re: *Your public records request, investigation material of death of Kade Nichol*
Our File No.: County Counsel # 50(N)

Dear Ms. Jocelyn,

The Crook County Sheriff's Office has received your public records request form, and has asked our office to respond. The Sheriff's Office estimates that compiling the records you seek, in particular any video footage from law enforcement body cameras, will require the generation of custom records in order to comply with operative law on releasing such documents. Their estimate is that it would take 25 staff hours at a rate of \$65.00 per hour, plus \$10.00 for a report fee, and \$10.00 for a USB drive large enough to hold the electronic files. We also estimate that it will take at least 2 hours of the County Legal Department's time, but I have decided to waive any fees for our office's time.

Alternatively, you may decide to start with a copy of the Crook County Sheriff's Office law enforcement reports, before deciding whether to proceed with any other documents. The compilation fee for such reports is \$10.00, with, again, our office waiving any additional time compiling the document may require.

If you wish to proceed with your original request, please remit a check payable to Crook County in the amount of \$1,645.00. Once the deposit is received, we will begin compiling the responsive records. In the event that any documents are withheld or redacted, you will receive a citation to the appropriate provision of law authorizing or requiring such withholding or redaction. If, after the deposit is received, the amount of time compiling the documents requires turns out to be higher than estimated, we will contact you to see if you would like to continue. If, after the deposit is received, the estimated time was too high, you will receive a refund of the unused portion of the deposit.

As you may or may not know, other public agencies were involved in the investigation, and may have additional documents in their custody. These include: the Crook County District Attorney's Office; the Oregon State Police; the Deschutes County Sheriff's Office; the Bend Police Department; the Redmond Police Department; the Warm Springs Police Department; and the Jefferson County Sheriff's Office. I understand that you have already reached out to some of these entities with records requests.

Sincerely,


Eric Blaine
County Counsel

April 6, 2023

Crook County Court,
The Board of County Commissioners for Crook County
ATTN: Eric Blane
300 NE Third St
Prineville OR, 97754

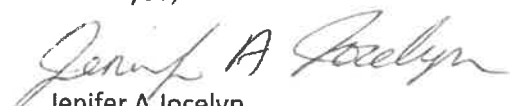
RE: Records request regarding the death of Kade Nichol

To Eric and Board of County Commissioners,

Thank you for the responses dated March 27th for the Sheriff's office and March 31st of 2023 for the District Attorney's office in response to our request for record. We are requesting a waiver of the compilation fee noted estimated at \$1645.00 for the Sheriff's office and \$10,609.44 for the DA's office. We are seeking to pursue a wrongful death case regarding this matter, sadly the attorney's are not taking the case due to lack of money or assets to pursue from the shooter Darien Ruiz. The civil case is our only option to defend my son. My family has lived here and been part of this community long before my birth, additionally, I have raised all my children in Prineville. We are tax paying citizens and asking for that to be enough for us to obtain this evidence needed for both our family and the wrongful death case we are pursuing on our own.

If there are any questions, I can offer response to my phone number is 541-420-4537, my email is djenjocelyn@gmail.com, and lastly my address is 4849 NW Grimes Rd, Prineville, OR 97754.

Thank you,


Jenifer A Jocelyn,
Mother

Sent via email to Eric.Blaine@crookcountyor.gov



Crook County Legal Department

Mailing Address: 300 NE Third St., Prineville, OR 97754 • Phone: 541-416-3919
Physical Address: 267 NE 2nd St., Ste 200, Prineville, OR 97754 • Fax: 541-447-6705

March 31, 2023

Sent via email to djenjocelyn@gmail.com

Jenifer A. Jocelyn
4849 NW Grimes Road
Prineville, OR 97754

Re: *Your public records request, grand jury and investigatory materials, death of Kade Nichol*
Our File No.: County Counsel # 50(N)

Dear Ms. Jocelyn,

Since our last communication, we have received updated information on what it might require to compile the records described in your public records request. By virtue of the responsibilities of the District Attorneys Office, the potentially responsive documents in their custody might be different from the potentially responsive documents in the custody of other public entities. Based upon our review, we estimate that compiling the potentially responsive documents, including making any redactions as may be required by operative law, may take one hundred sixty (160) hours of staff time to complete. If you would like to proceed with your request, we ask that you remit to Crook County a compilation fee deposit of \$10,609.44 payable to "Crook County," calculated as follows: staff time of 108 hours at \$65.00 per hour; staff time of 10 hours at \$25.00 per hour; staff time of 42 hours at \$78.32 per hour; and 5 media storage devices at \$10.00 each. Once the deposit is received, staff will undertake the compilation process. If the initial estimate turns out to have been too low, we will contact you to determine if you would like to continue. If the estimate turns out to have been too high, you will receive a refund of the unused portion of the deposit. As I understand it, the greatest portion of staff time that would be involved would be spent on processing any video footage specified in the records request.

If you would like to request a waiver of the compilation fee, please remit such a request in writing addressed to the Crook County Court, the board of county commissioners for Crook County. Such a request can be submitted electronically to the email address: Eric.Blaine@CrookCountyOR.gov. They will deliberate upon the request as a future public meeting.

Please note that there may be records or portions of records which are exempt from disclosure under operative law. If any responsive documents are redacted or withheld, you will receive a citation to the provision of law authorizing or requiring such action.

March 31, 2023
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Please also note that this response is in regards to documents in the custody of the Crook County District Attorney's Office. We are unable to acquire documents that are in the custody of other public entities on your behalf.

If you do not wish to proceed with the records request as written, you may revise the request and, after receiving the responsive documents, determine if you would like to ask for additional public records.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Blaine", with a long horizontal flourish extending to the right.

Eric Blaine
County Counsel