

May 21, 2024

VIA EMAIL - Nathaniel.Miller@deschutes.org

Deschutes County Board of Commissioners
c/o Nathaniel Miller
Associate Planner
Deschutes County Community Development
117 NW Lafayette Ave
Bend, Oregon 97708

**Re: Lava Terrace Cellars, LLC
Appeal of Land Use File 247-22-000464-CU, 247-24-000018-A**

Dear Chair Adair and Commissioner DeBone:

On behalf of Applicant Lava Terrace Cellars, LLC (“Lava Terrace” or “Applicant”), we respectfully request that the Board of County Commissioners (“Board”) delay deliberations and re-open the record for Appeal File. No 247-24-000018-A to allow for the introduction of additional evidence related to the appeal issues.

Specifically, we propose the following schedule for your consideration:

- Reopen the record at May 29, 2024 meeting for new evidence related to the appeal issues (allowing Applicant and Appellant opportunity to submit evidence);
- Allow open record period through July 31, 2024;
- Hold a hearing on the new evidence on August 7, 2024;
- Grant a second 7-7-7 period following the August 7, 2024 hearing; and
- Schedule deliberations and final decision for date certain after Labor Day.

We maintain that reopening the record to allow for additional evidence, particularly new evidence related to Lava Terrace’s ongoing work on its site plan, right-of-way boundaries, and survey results, will provide for a better record and offer additional evidence to support resolving the pending appeal issues.

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Thank you for your consideration.

Respectfully truly yours,

Davis Wright Tremaine LLP

A handwritten signature in blue ink that reads "Elaine R. Albrich". The signature is written in a cursive, flowing style.

Elaine R. Albrich

cc: Duane and Dina Barker
Phil Henderson