



## ZONING APPROVAL

City of Boardman  
Community Development Dept.  
P.O. Box 229  
Boardman Oregon 97818  
(541) 481-9252

File Number 2P21-066 Date Received 11-2-21 Date Completed \_\_\_\_\_ Fee \$250.00

Applicant / Contractor: Name(s) Umatilla Electric Cooperative

Mailing Address P O Box 1148

Phone 541-289-1522

E-mail address wendy.neal@umatillaelectric.com

Legal Owner (if different from applicant):

Name(s) 1st John 2:17 LLC

Address 706 SW Mt Hood Ave., Boardman, OR 97818

### Property Description:

Township 4 North Range 25 East Section 10 Tax Lot 3205; 3302

Physical Address \_\_\_\_\_

Subdivision/Partition \_\_\_\_\_ Parcel Zoning Service Center

Proposed Set Backs: Lot Width \_\_\_\_\_ ft. Lot Depth \_\_\_\_\_ ft.

Front \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

Proposed Structures:

1.	<u>Transmission Line</u>	Sq Ft _____	Baths _____
2.	<u>Poles</u>	Sq Ft _____	Baths _____
3.	<u>Associated components</u>	Sq Ft _____	Baths _____

**Plot Plan:** Attach a plot plan showing where on the lot the structures will be located. Identify setbacks, existing structures, location of access, septic system, drain field, and well if applicable. The drawing does not need to be to scale.

**Certification:** I, the undersigned, acknowledge I agree to the standards and limitations set forth by the Boardman Development Code. I propose to meet all standards set forth by the Boardman Development Code and any applicable State and Federal regulations. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: [Signature]  
(Applicant / Contractor)

See Attached  
(Legal Owner)

Printed: Wendy Neal  
(Applicant / Contractor)

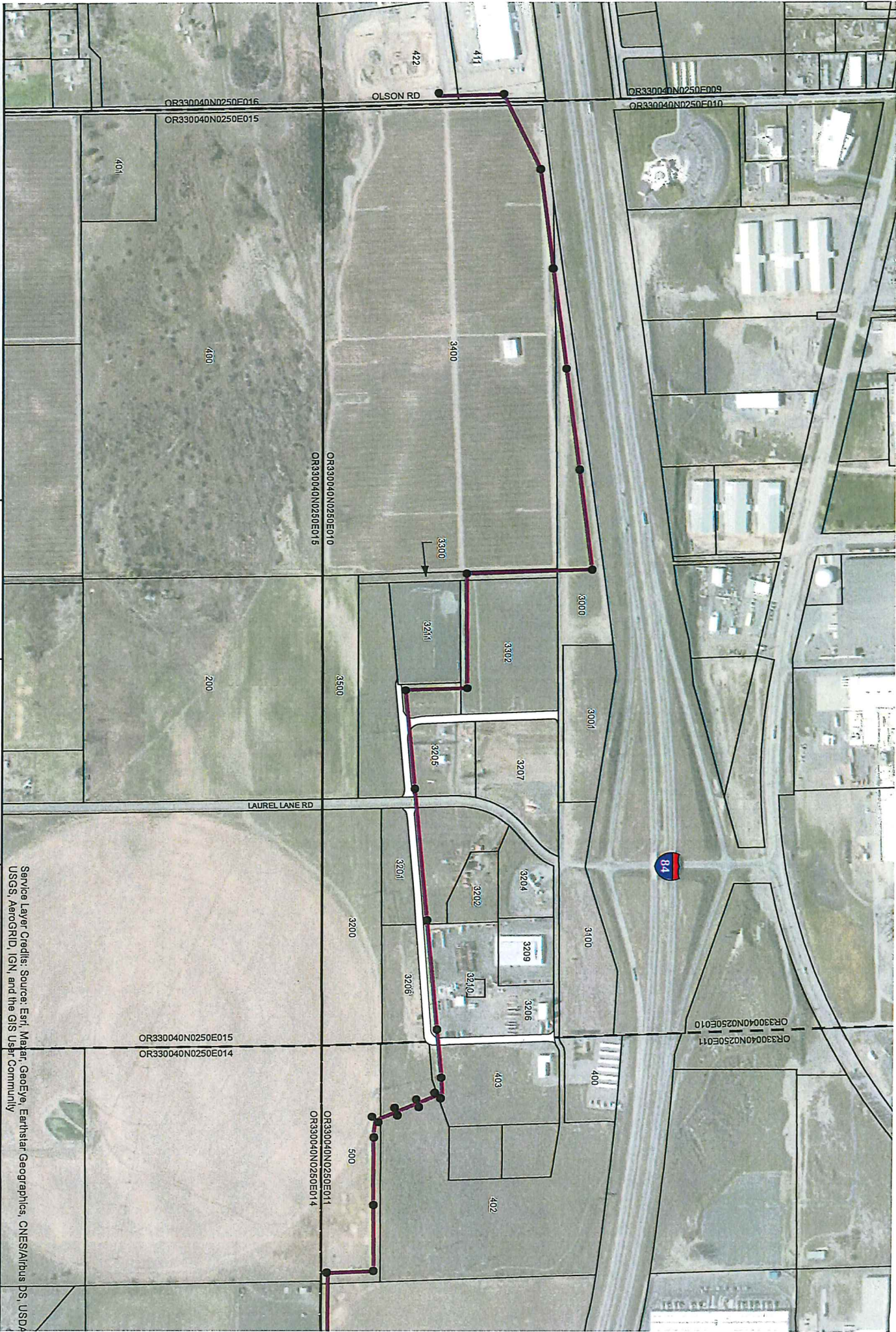
(Legal Owner)

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Planning Approval Signature \_\_\_\_\_ Date \_\_\_\_\_

Unobstructed string line on side yards required.





Planned Pole Locations

Olson Rd to 730 SY Alignment

Proposed Loop Road Area

2021 Parcels

Sections

DISCLAIMER: This map is for informational purposes, and should only be used as such.



**ATOTHI**  
R. ASOCIATES

1650 E. REPUBLIC RD  
SPRINGFIELD, MO 65804  
PH: 417-288-0645 FAX: 417-288-0657  
WWW.ATOTHI.COM

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Olson Road to 730 Switchyard

Map Title

Boardman Zoning Permit Area

Map Number

DH-012

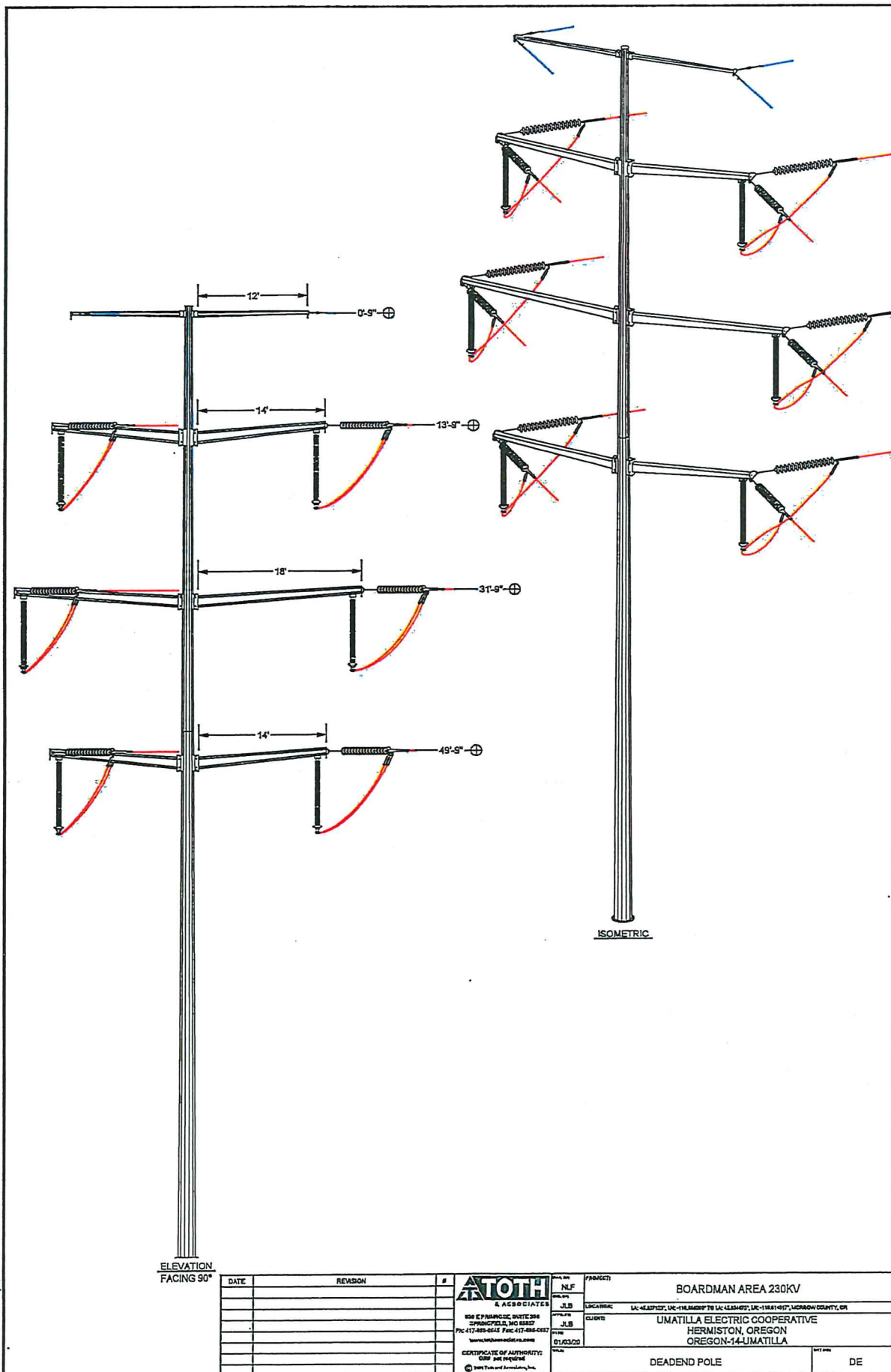
City

UMATILLA ELECTRIC COOPERATIVE  
HERMISTON, OREGON

0 350  
feet



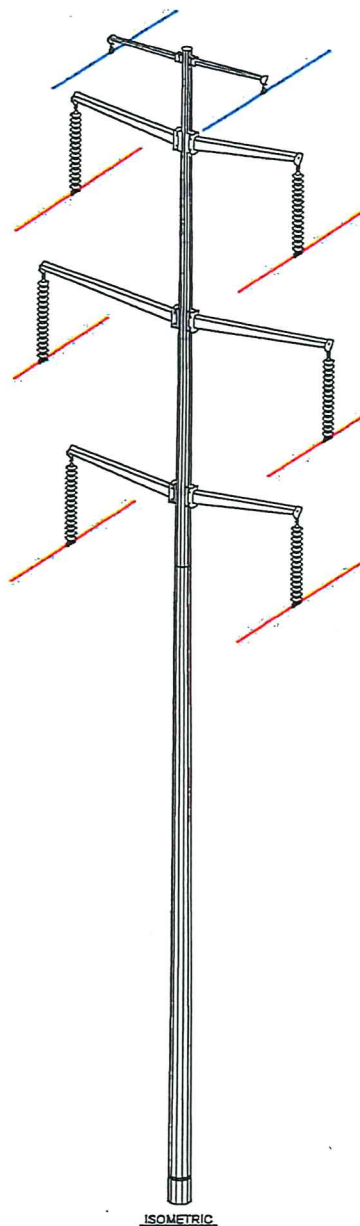




DATE	REASON	#

**ATOOTH**  
 & ASSOCIATES  
 808 E. PARKWAY, SUITE 300  
 SPRINGFIELD, MO 65807  
 PH: 417-489-0645 FAX: 417-489-0657  
 www.atooth.com  
 CERTIFICATE OF AUTHORITY:  
 QSP and INSURANCE  
 © 2004 Toth and Associates, Inc.

PROJECT: BOARDMAN AREA 230KV  
 LOCATION: LAC 45.03727, LAC 45.03727 TO LAC 45.03727, LAC 45.03727, MORROW COUNTY, OR  
 CLIENT: UMATILLA ELECTRIC COOPERATIVE  
 HERMISTON, OREGON  
 OREGON-14-UMATILLA  
 DATE: 01/03/20  
 DRAWN BY: NLF  
 CHECKED BY: JLB  
 DESIGNED BY: JLB  
 PROJECT: BOARDMAN AREA 230KV  
 LOCATION: LAC 45.03727, LAC 45.03727 TO LAC 45.03727, LAC 45.03727, MORROW COUNTY, OR  
 CLIENT: UMATILLA ELECTRIC COOPERATIVE  
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 DESIGNED BY: JLB



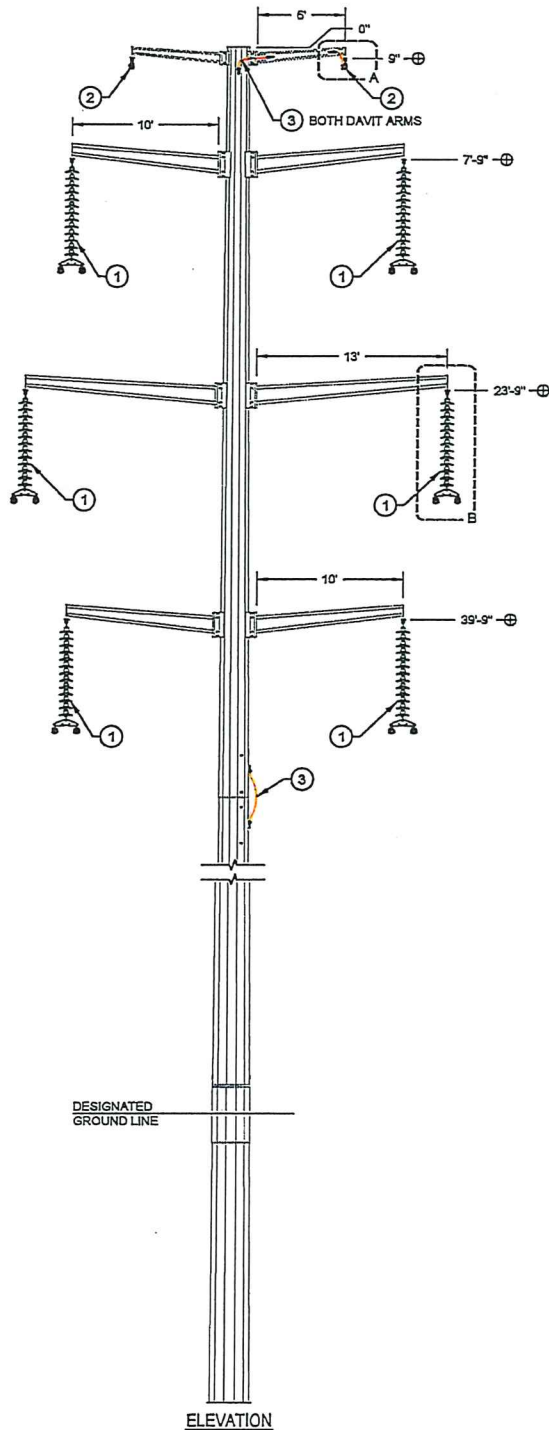
DATE	REVISION	#	 <p>           838 E PHILADELPHIA, SUITE 200            SPRINGFIELD, MO 65807            TEL: 417-489-4843 FAX: 417-489-4847  <a href="http://www.astoth.com">www.astoth.com</a>            CERTIFICATE OF AUTHORITY:            0320 2003 expires 06/30/2008            © 2004 T&amp;E and Associates, Inc.         </p>	<p>           DRAWN BY: NLF            CHECKED BY: JLB            DATE: 01/13/2020            SCALE:         </p>	<p>PROJECT: BOARDMAN AREA 230KV</p> <p>           LOCATION: LA-43-0272P, LA-116-0000P TO LA-43-0472P, LA-116-0140P, UGROAND COUNTRY, OR            CLIENTS: UMATILLA ELECTRIC COOPERATIVE            HERMISTON, OREGON            OREGON-14-UMATILLA         </p>	<p>Sheet 2 of 2</p> <p>TAN</p>
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# LIST OF MATERIALS

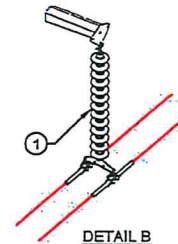
QTY	DESCRIPTION	MANUFACTURER	PART NO.
1	6	INSULATOR ASSEMBLY, TANGENT (BUNDLED)	TM-1B_BDL
2	2	OPGW ASSEMBLY, TANGENT	TM-4A(OPGW)
3	A.R.	STEEL POLE GROUNDING, JOINT	TMS-9C(JT)

## NOTES:

1. ASSEMBLY SHOWS POLE TOP MATERIALS ONLY. ADDITIONAL ASSEMBLIES FOR STRUCTURE ARE REFERENCED ON THE PLAN AND PROFILE DRAWINGS.



DETAIL A



DETAIL B

DESIGNATED  
GROUND LINE

ELEVATION

DATE	REVISION	#	PROJECT
02/19/2021	ISSUED FOR PROCUREMENT	A	OLSON ROAD
<b>ATOTH</b> <small>ASSOCIATES</small> 1550 E. REPUBLIC ROAD SPRINGFIELD, MO 65804 PH: 417-486-0643 FAX: 417-486-0637 WWW.ATOTHASSOCIATES.COM CERTIFICATE OF AUTHORITY: CMV INCORPORATED © 2021 TMS and Associates, Inc.			LOCATION: LA: 45.837123°, LN: -119.665590° TO LA: 45.834672°, LN: -119.614817°, MORROW COUNTY, OR CLIENT: UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA TITLE: TRANSMISSION LINE STRUCTURES STEEL DC TANGENT WITH DAVIT ARMS (BUNDLED)
			SHEET NO. 1 of 1 TUS-230DC_BDL

**UEC OLSON RD  
TRANSMISSION LINE  
Zoning Permit Request**

**Project Description**

Umatilla Electric Cooperative (UEC) has planned and begun construction of a 230kV electric transmission line in Morrow County near Boardman, OR (the Transmission Line). The Transmission Line will become part of UEC's system and deliver power between UEC's Hwy 730 Switchyard and UEC's planned Olson Rd substation, a distance of approximately 4 miles. The Transmission Line itself will not be connected to any single customer. The Transmission Line is needed to reliably accommodate electrical growth in the Boardman area. UEC's electrical load in the Boardman area has grown from 62 MW in 2009 to 260 MW in 2019 with forecasted growth to be above 535 MW by the end of 2029. This growth is driving the need for transmission system additions like the Transmission Line.

The Transmission Line will be a double circuit 230 kV transmission line on single steel pole structures with typical heights between 90 and 130 feet. UEC is providing figures that provide a detailed description of the entire route of the Transmission Line, pole locations, and pole types.

To minimize impacts from construction activities and disturbances to existing and planned land uses in this area, UEC generally sited the Transmission Line adjacent to roadways, along the edges of property boundaries, and near existing electric transmission corridors. As part of obtaining a Certificate of Public Convenience and Necessity from the Oregon Public Utility Commission, UEC analyzed multiple alternate routes for this project. The final route UEC chose was the best alternative based on factors such as:

- Long term power capacity needs in Boardman area
- Impacts to wetland areas, residential areas, commercial areas, farmlands
- Feasible BPA transmission corridor crossing points
- Number of roads, highway, and canal crossings
- FAA and Navy height restrictions
- Materials, construction, and easement acquisition costs

The primary factors UEC used to determine the specific location of the Transmission Line were input from landowners along the route, design feasibility, and minimization of costs/impacts to UEC's members. UEC received land use approval from Morrow County for the portion of the project that is outside of the City of Boardman.

**Zoning Permit Request**

City of Boardman planning staff have indicated that, even where a use is allowed by right, it

requests that an applicant obtain a Zoning Permit prior to construction. The purpose of the Zoning Permit is to determine the appropriate zoning classification for the proposed use so that other City agencies have a basis on which to confirm that the use is allowed.

The Transmission Line will cross nine tax lot parcels within the City's jurisdiction. For five of those parcels (lots 402, 403, 3201, 3206, and 3300, UEC applied for (and received preliminary approval of) a Zoning Permit as part of Docket 21-031. The purpose of this Application is solely to seek a Zoning Permit for tax lot parcels 3205 and 3302, currently owned by 1<sup>st</sup> John 2:17 LLC (the "Tallman Parcels"). This Application includes no other requests.

## **1. Application Requirements and Procedures**

The Boardman Development Code ("Code" or "BDC") does not contain any provisions that are specific to a Zoning Permit. City Staff, however, have generally followed the Type I procedures when considering a request for a Zoning Permit and have prepared an Application Form for that purpose. UEC is providing that Application Form with this request.

BDC 4.1.700.D provides that an application may be initiated by certain individuals, including the record owner of the property or a contract purchaser that has the property owner's consent. Although this Code provision does not expressly apply to an application for a Zoning Permit, UEC can be deemed to be the property owner in this situation. UEC is in the process of obtaining an easement for the Transmission Line on the Tallman Properties. Although UEC has attempted to negotiate the terms of an easement (just as it has done successfully on every other property where the Transmission Line will be constructed), it has unfortunately had to pursue its option of last resort, which is to acquire the property by condemnation. As part of that process, the Morrow County Circuit Court has entered an order that expressly provides UEC with authority to enter onto and to use the Tallman Properties for the purpose of constructing the Transmission Line. As set forth in that Order, which is included with UEC's Application, neither the owner of the Tallman Properties "nor its contractors, employees, invitees, licensees, guests, agents, or representatives, shall interfere with [UEC's] occupancy and use of the Easement." UEC therefore has the sole holder of the property interest for the purposes of the easement and the development of the Transmission Line in that easement.

Other information required by the Zoning Permit Application Form is included with UEC's Application materials.

## **2. Transmission Line Use and Standards**

As noted above, the purpose of the Zoning Permit is to confirm that the Transmission Line is an allowed use.

The Tallman Properties are within the City's SC Zone. BDC 2.2.200(B) states that "the land uses listed in Table 2.2.200B are permitted in the Service Center Sub District, subject to the

provisions of this Chapter.” Section 2.b of that table, in turn, lists the following as an outright permitted use: “Private utilities (e.g. natural gas, electricity, telephone, cable and similar facilities).” Where a use listed in Table 2.2.200B is subject to any additional standards beyond those in BDC Chapter 2.2.200, the table notes which additional standards apply. For private utilities, no additional standards are listed. It should be noted that most uses allowed by right in the SC Zone are allowed without the imposition of additional standards. This is in line with the purpose of the Zone, as set forth in BDC 2.2.200(A), which states that “The Service Center Sub District is designed to accommodate heavy commercial uses and light industrial uses along portions of the I-84 corridor.”

With respect to development standards, BDC 2.2.200(A) states that “The base standards of the Commercial District apply, except as modified by the standards of this Sub District.” BDC Chapter 2.2 and the base standards of the Commercial District contain very few development standards that apply to transmission lines. BDC 2.2.140, for example, imposes high restrictions, but only for buildings. The Transmission Line on the Tallman Properties does not include any buildings.

The only other development standards that are potentially applicable to the Transmission Line are those found in BDC Chapter 3.4. Under that Code chapter, there is a specific subsection applicable to utilities – BDC 3.4.500 – the only requirement of which is that some utilities must be located underground. That Code section, however, applies only to subdivisions, which is not part of UEC’s proposal. Further, that Code section expressly exempts any electric lines that operate at 50 kV or greater. UEC’s transmission line, which will operate at 230 kV, qualifies for that exemption whether or not a subdivision is involved.

As demonstrated by UEC’s Application materials, all applicable development standards in BDC Chapter 2.2 and Chapter 3.4 are either not applicable, or they are satisfied.

### **3. Description of Proposed Design and Construction**

The following summary of the design and construction of the Transmission Line is reflected in the figures UEC has submitted with this Application.

#### **Structure Design**

UEC has designed and will construct the proposed transmission line utilizing 230 kV specifications. UEC will use self-supporting double circuit vertical monopoles with davit arms for tangent structures, self-supporting steel single-circuit vertical monopoles for light angles, self-supporting single-circuit steel vertical dead-end structures, and self-supporting double-circuit steel vertical davit arm dead-end structures. The design types proposed are based on clearance and alignment requirements and include:

- Steel Double Circuit Vertical with Davit Arms, 230 kV (0° - 1.5°)



- Self-Supported Steel Single Circuit Vertical 230 kV (6° - 30°)
- Self-Supported Steel Single Circuit Vertical Dead-end, 230 kV (0° - 120°)
- Self-Supported Steel Double Circuit Vertical Davit Arm Dead-end, 230kV (60° - 120°)

Combinations of the various structure types will be required as the route alignment and clearance requirements necessitate.

The typical span length between structures is approximately 500 to 700 feet. Proposed typical structure heights are 100 feet above-ground for tangent monopoles. The height of the proposed structures will vary depending on the minimum height requirements of the feature crossed and required conductor to ground clearances.

The total ground disturbance associated with the installation of structure foundations and access roads will be determined during detailed design.

### **Structure Assembly and Erection**

The construction contractor will transport and assemble structures within the right of way. Once a series of structures have been constructed the conductor and shield wires will be strung. Guard structures (temporary wood-pole structures or bucket trucks) may be installed near feature crossings such as distribution power lines, overhead telephone lines, roadways, and any other areas where there may be a safety hazard during stringing activities.

The conductors and shield wires are installed with a tensioning system. A rope is first threaded through the stringing blocks or dollies for each conductor and shield wire. Conductor and shield wires are then pulled by the ropes and held tight by a tensioner. The tensioner is used to obtain the required sag of the conductor and shield wires between each structure span. When the conductor and shield wire is tensioned to the required sag, they are placed in the suspension and dead-end clamps for permanent attachment.

### **Cleanup**

Cleanup operations will be performed as construction activities are completed. Cleanup includes removal of brush, unused materials, and trash. All construction debris and trash will be disposed of in accordance with state and local regulations.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MORROW

UMATILLA ELECTRIC COOPERATIVE, an  
Oregon cooperative corporation,

Plaintiff,

v.

1ST JOHN 2:17, LLC, an Oregon limited liability  
company, successor-in-interest to Terry Tallman  
and Cheryl Tallman, as tenants by the entirety,

Defendant.

Case No. 21CV28343

**ORDER ON PLAINTIFF'S  
MOTIONS FOR ADVANCE  
OCCUPANCY AND TO STRIKE  
SUPPLEMENTAL DECLARATION  
OF JONATHAN TALLMAN AND  
DEFENDANT'S MOTION TO  
DISMISS**

Assigned Judge: Hon. Eva J. Temple

This matter having come before the Court for hearing on August 26, 2021 before Judge Eva J. Temple, upon motions of Plaintiff Umatilla Electric Cooperative ("UEC"), by and through one of its attorneys, Nicole M. Swift of Cable Huston LLP, for advance occupancy and to strike Defendant's supplemental declaration of Jonathan Tallman filed on August 23, 2021; and upon motion of Defendant 1st John 2:17, LLC ("Defendant"), by and through one of its attorneys, Charles F. Hudson of Lane Powell PC, for dismissal under ORCP 47. After reviewing the moving papers submitted and the pleadings on file, hearing oral argument of counsel, and ruling by letter opinion dated October 12, 2021, it is hereby

ORDERED as follows:

1. Plaintiff's Motion for Advance Occupancy under ORS 35.275 is GRANTED. Plaintiff has deposited with the Court \$14,600 for the estimated just compensation for the Easement. Accordingly, upon entry of this Order, Plaintiff shall be entitled to occupy and make

1 use of the Easement, defined in the Complaint and reattached hereto as Exhibit 1, for all  
2 purposes and uses as described in the Easement. Neither Defendant nor its contractors,  
3 employees, invitees, licensees, guests, agents, or representatives, shall interfere with Plaintiff's  
4 occupancy and use of the Easement.

5 2. Plaintiff's Motion to Strike Defendant's Supplemental Declaration of Jonathan  
6 Tallman filed on August 23, 2021 is GRANTED.

7 3. Defendant's Motion to Dismiss Under ORCP 47 is DENIED. UEC complied with  
8 ORS 35.346 by providing a timely written offer to the owners of the Property at least 40 days  
9 prior to initiating this condemnation action. ORS 35.346 does not require a condemnor to issue a  
10 new offer in the event of a change in ownership after the 40-day offer is made.

11  
12 10/28/2021 12:19:58 PM

13 

14  
15 Eva J. Temple, Circuit Court Judge

16  
17 Submitted by:

18 CABLE HUSTON LLP

19 Nicole M. Swift, OSB No. 141419  
20 nswift@cablehuston.com  
21 1455 SW Broadway, Suite 1500  
22 Portland, OR 97201-3412

23 *Attorneys for Plaintiff*  
*Umatilla Electric Cooperative*



**CERTIFICATE OF READINESS UNDER UTCR 5.100**

I certify this proposed **[PROPOSED] ORDER ON PLAINTIFF'S MOTIONS FOR ADVANCE OCCUPANCY AND TO STRIKE SUPPLEMENTAL DECLARATION OF JONATHAN TALLMAN AND DEFENDANT'S MOTION TO DISMISS** is ready for judicial signature because (*check all that apply*):

1. ☐ Each party affected by this order has stipulated to the order, as shown by each party's signature on the document being submitted.
2. ☒ Each party affected by this order has approved the order, as shown by each party's signatures on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order on each party entitled to service, and
  - a. ☐ No objection has been served on me.
  - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c. ☐ After conferring about objections, the opposing party agreed to independently file any remaining objections with the court.
4. ☐ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
5. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistant Section as required by subsection (5) of this rule.
6. ☐ Other: \_\_\_\_\_

DATED: October 21, 2021.

CABLE HUSTON LLP

By: s/ Nicole M. Swift  
Nicole M. Swift, OSB No. 141419  
nswift@cablehuston.com

*Attorneys for Plaintiff*

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MORROW

UMATILLA ELECTRIC COOPERATIVE,  
an Oregon cooperative corporation,

Plaintiff,

v.

1ST JOHN 2:17, LLC, an Oregon limited  
liability company, successor-in-interest to  
Terry Tallman and Cheryl Tallman, as  
tenants by the entirety,

Defendant.

Case No. 21CV28343

**COMPLAINT**  
**(Eminent Domain)**

CLAIM NOT SUBJECT TO  
MANDATORY ARBITRATION

Fee Authority: ORS 21.135(1), 2(g)

For its complaint, Umatilla Electric Cooperative ("Plaintiff" or "UEC") alleges as  
follows:

1.

Plaintiff is a member-owned electric cooperative formed and existing under ORS chapter  
62. Plaintiff's principal place of business is in Umatilla County. Plaintiff has the statutory right  
to condemn certain lands pursuant to ORS 772.210 and ORS chapter 35.

2.

Defendant 1st John 2:17, LLC, successor-in-interest to Terry Tallman and Cheryl  
Tallman ("Defendant"), owns certain real property in Morrow County, Oregon, identified as Tax  
Lots 04N25E10 3205 and 04N25E10 3302 (collectively, the "Property").

///

///

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1 3.

2 Plaintiff has determined a need to construct an approximately 4.3-mile overhead 230kV  
3 electric transmission line from its Highway 730 Switchyard to a substation near Olson Road in  
4 Boardman ("Transmission Line").

5 4.

6 Prior to commencement of this action and pursuant to Resolution No. 2019 11 006,  
7 including any amendments thereto, the Board of Directors of UEC ("Board") concluded that it is  
8 necessary for the continued public health, safety, and economic welfare of Plaintiff's members  
9 and the public to acquire easements, including an easement on the Property, for the construction,  
10 location, and operation of the Transmission Line. The Board also determined that the operation  
11 of the Transmission Line and use thereof are planned and located in a manner that will be most  
12 compatible with the greatest public good and the least private injury.

13 5.

14 In addition, the Oregon Public Utility Commission ("PUC"), through PUC Order 21-074,  
15 dated March 5, 2021, granted Plaintiff a Certificate of Public Convenience and Necessity and  
16 concluded that the Transmission Line for which the easement on the Property is required is a  
17 public use and necessary for public convenience.

18 **FIRST CLAIM FOR RELIEF**

19 **(Eminent Domain/Condemnation)**

20 6.

21 Plaintiff references and incorporates paragraphs 1-5 above as if fully stated herein.

22 7.

23 Plaintiff seeks to condemn and acquire for the Transmission Line, the following easement  
24 on the Property ("Easement"):

25 (a) a perpetual and non-exclusive electric utility easement on, across, over, and  
26 under a strip of land described in Exhibits A-1 and A-2 and depicted in Exhibits B-1 and



1 B-2 attached hereto and incorporated herein ("Easement Area"), for the purposes of  
2 constructing, operating, maintaining, repairing, and replacing electric utility lines,  
3 including lines for the transmission and distribution of electrical power and  
4 communication lines reasonably necessary for the operation of Plaintiff's electrical  
5 system, and associated service facilities (collectively, the "Facilities");

6 (b) Plaintiff shall have the right to enter upon and use the Easement Area for the  
7 purposes described above, which also includes the right to inspect and make repairs,  
8 changes, alterations, improvements, removals from, and substitutions to the Facilities,  
9 and to make additions to the overhead Facilities in the Easement Area. With the  
10 exception of up to three (3) electric utility poles in the approximate locations depicted on  
11 Exhibit C attached hereto and incorporated herein, and related guy wires, Plaintiff shall  
12 not install any Facilities on the ground surface of the Easement Area. After the  
13 completion of construction, Plaintiff shall not have the right to increase the number of  
14 poles or related guy wires occupying the ground surface of the Easement Area, or change  
15 their location, without Defendant's written consent, which shall not be unreasonably  
16 withheld;

17 (c) In compliance with applicable law, Plaintiff also shall have the right to cut,  
18 trim, and control the growth, by reasonable chemical means, machinery, or otherwise, of  
19 trees, shrubbery, and vegetation located within the Easement Area that may interfere with  
20 the safe operation of Plaintiff's electrical system. Plaintiff shall not be responsible,  
21 however, for the maintenance of any landscaping in the Easement Area;

22 (d) Defendant shall not construct, place, or otherwise locate any building,  
23 structure or other obstruction in, upon, or under the Easement Area;

24 (e) Defendant shall have the right to use the Easement Area, provided said use is  
25 not inconsistent with and does not unreasonably interfere with the purpose of the  
26 Easement or the use of the Easement Area by Plaintiff;

1 (f) Plaintiff shall repair damage to the Easement Area caused by Plaintiff and  
2 shall restore the Easement Area, as near as reasonably practicable, to the same or like-  
3 kind condition as existed prior to Plaintiff's use of the Easement Area; and

4 (g) All Facilities installed on, across, over, or under the Easement Area at  
5 Plaintiff's expense shall remain the property of Plaintiff and removable at the option of  
6 Plaintiff.

7 8.

8 Plaintiff's acquisition of the Easement is necessary and in the public interest for the  
9 construction, location, and operation of the Transmission Line.

10 9.

11 The total true value of—and just compensation and compensable damages for—the  
12 Easement is \$14,600.

13 10.

14 Pursuant to ORS 35.346, at least forty days prior to commencement of this action,  
15 Plaintiff made a written offer to pay \$14,600 for the total just compensation and compensable  
16 damages for the Easement. Plaintiff has attempted to acquire the Easement by negotiation but  
17 has been unable to reach an agreement.

18 11.

19 The Board has authorized the filing of this condemnation proceeding by resolution.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff Umatilla Electric Cooperative prays that judgment be entered  
22 for Plaintiff and against Defendant 1st John 2:17, LLC, successor-in-interest to Terry Tallman  
23 and Cheryl Tallman, as follows:

24 (1) That the total true value of—and just compensation and compensable damages for—  
25 the Easement is \$14,600, or such other sum as determined by the Court;  
26

1 (2) That upon payment by Plaintiff into the Court of \$14,600, or such other sum as  
2 determined by the Court, that Plaintiff will acquire the Easement, free and clear of all applicable  
3 liens, encumbrances, and other property interests, except those of record not at issue in this  
4 action;

5 (3) For Plaintiff's costs and disbursements; and

6 (4) For such other fair and equitable relief for Plaintiff as determined by the Court.  
7

8 DATED: July 13, 2021

9 CABLE HUSTON LLP

10 s/ Nicole M. Swift

11 Tommy A. Brooks, OSB No. 076071

12 tbrooks@cablehuston.com

13 Nicole M. Swift, OSB No. 141419

14 nswift@cablehuston.com

15 1455 SW Broadway, Suite 1500

16 Portland, OR 97201-3412

17 (503) 224-3092 Telephone

18 (503) 224-3176 Facsimile

19 *Attorneys for Plaintiff*

20 *Umatilla Electric Cooperative*

21 Trial Attorney: Nicole M. Swift  
22  
23  
24  
25  
26



JANUARY 30, 2020

**EXHIBIT "A"**

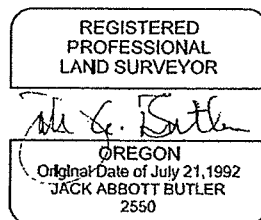
**LEGAL DESCRIPTION  
TAX LOT 3205 TRANSMISSION EASEMENT**

A TRACT OF LAND BEING PART OF PARCEL 2 OF PARTITION PLAT 2018-1 OF THE MORROW COUNTY SURVEY RECORDS, AND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 1 OF SAID PARTITION PLAT 2018-1, THENCE NORTH 89°32'26" EAST ALONG THE NORTH LINE OF SAID PARCEL 2, 70.02 FEET; THENCE LEAVING SAID NORTH LINE AND PARALLEL WITH THE WEST LINE OF SAID PARCEL 2, SOUTH 01°43'55" EAST, 267.88 FEET; THENCE NORTH 84°48'03" EAST, PARALLEL WITH THE NORTHERLY LINE OF THE EXISTING 395.00 FEET WIDE BPA EASEMENT AS DESCRIBED IN DEED RECORDED NOVEMBER 17, 1972, AS M5213 OF THE MORROW COUNTY DEED RECORDS, 562.50 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LAUREL ROAD, 30.00 FEET FROM CENTERLINE WHEN MEASURED PERPENDICULAR TO SAID CENTERLINE; THENCE SOUTH 01°51'23" EAST ALONG SAID RIGHT-OF-WAY LINE, 78.13 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL 1 AND THE NORTHERLY LINE OF SAID BPA EASEMENT; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG SAID NORTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL 1 AND THE NORTHERLY LINE OF SAID BPA EASEMENT, SOUTH 84°48'03" WEST, 632.80 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE NORTH 01°43'55" WEST ALONG THE EAST LINE OF SAID PARCEL 1, 351.82 FEET TO SAID NORTHEAST CORNER AND THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 68,306 SQUARE FEET OR 1.57 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER GPS OBSERVATIONS, OREGON STATE PLANE COORDINATES.



BRASS CAP SE 1/16 CORNER  
SEC. 10 TWP. 4N, RNG. 25E

**BASIS OF BEARING**  
OREGON STATE PLANE  
NAD 83 NORTH ZONE

NOTE: DRAWING REPRODUCTION  
AND SCALING MAY CHANGE THE  
INDICATED GRAPHIC SCALES  
H. SCALE: 1" = 100'

EXHIBIT "B"

TAX LOT 3207

PARCEL II OF  
DEED 2002-3196  
TAX LOT 3302

POINT OF BEGINNING

N89°32'26"E 70.02'

30' EASEMENT  
PER PP 2018-1

CELL TOWER  
LEASE SITE  
PP 2018-1

PARCEL 2 PP 2018-1

N84°48'03"E 562.50'

S84°48'03"W 632.80'

NORTH LINE OF  
BPA EASEMENT

## BPA EASEMENT

1 1/2" ALUMINUM  
CAP PLS 49865 2018


TAX LOT 3205

EASEMENT AREA  
68,306 SQUARE FEET  
1.57 ACRES

## LEGEND

● FOUND MONUMENT AS NOTED

QUARTER SECTION LINE

DATE	REVISION	#	<div><p>830 E PRIMROSE, SUITE 200 SPRINGFIELD, MO 65807 Ph: 417-669-0645 Fax: 417-669-0657 www.tothassociates.com</p><p>CERTIFICATE OF AUTHORITY: OR# not required © 2020 Toth and Associates, Inc.</p></div>	DRAW BY: DWA CHK BY: JAB APPR. BY: JAB DATE: 01/30/2020 TITLE:	PROJECT:  OLSON RD 230KV PLANNED TRANSMISSION LINE  LOCATION: LA: 45.837123°, LN: -119.686090° TO LA: 45.834675° LN: -119.614017°, MORROW COUNTY, OR  CLIENT:  UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA  ELECTRIC TRANSMISSION EASEMENT TERRY TALLMAN	SHT NO:  V-903
07/30/2020	ISSUED FOR REFERENCE	0				

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EXHIBIT B-1

**EX  
Exhibit 1**

Page 7 of 10

JANUARY 30, 2020

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
TAX LOT 3302 TRANSMISSION EASEMENT**

A TRACT OF LAND BEING PART OF PROPERTY DESCRIBED IN DEED DOCUMENT 2002-3196 OF THE MORROW COUNTY DEED RECORDS AND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 25 EAST OF THE WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT 2018-1 OF THE MORROW COUNTY SURVEY RECORDS, THENCE NORTH 01°43'30" WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID PARCEL 1, SAID LINE ALSO BEING THE WEST LINE OF PROPERTY DESCRIBED IN SAID DEED DOCUMENT 2002-3196, 70.02 FEET; THENCE LEAVING SAID WEST LINE, NORTH 89°30'52" EAST, 649.66 FEET; THENCE SOUTH 01°43'55" EAST, 70.02 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL 1; THENCE SOUTH 89°30'52" WEST ALONG SAID NORTH LINE AND ITS EASTERLY EXTENSION, 649.67 FEET TO SAID NORTHWEST CORNER AND THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 45,493 SQUARE FEET OR 1.04 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER GPS OBSERVATIONS, OREGON STATE PLANE COORDINATES.

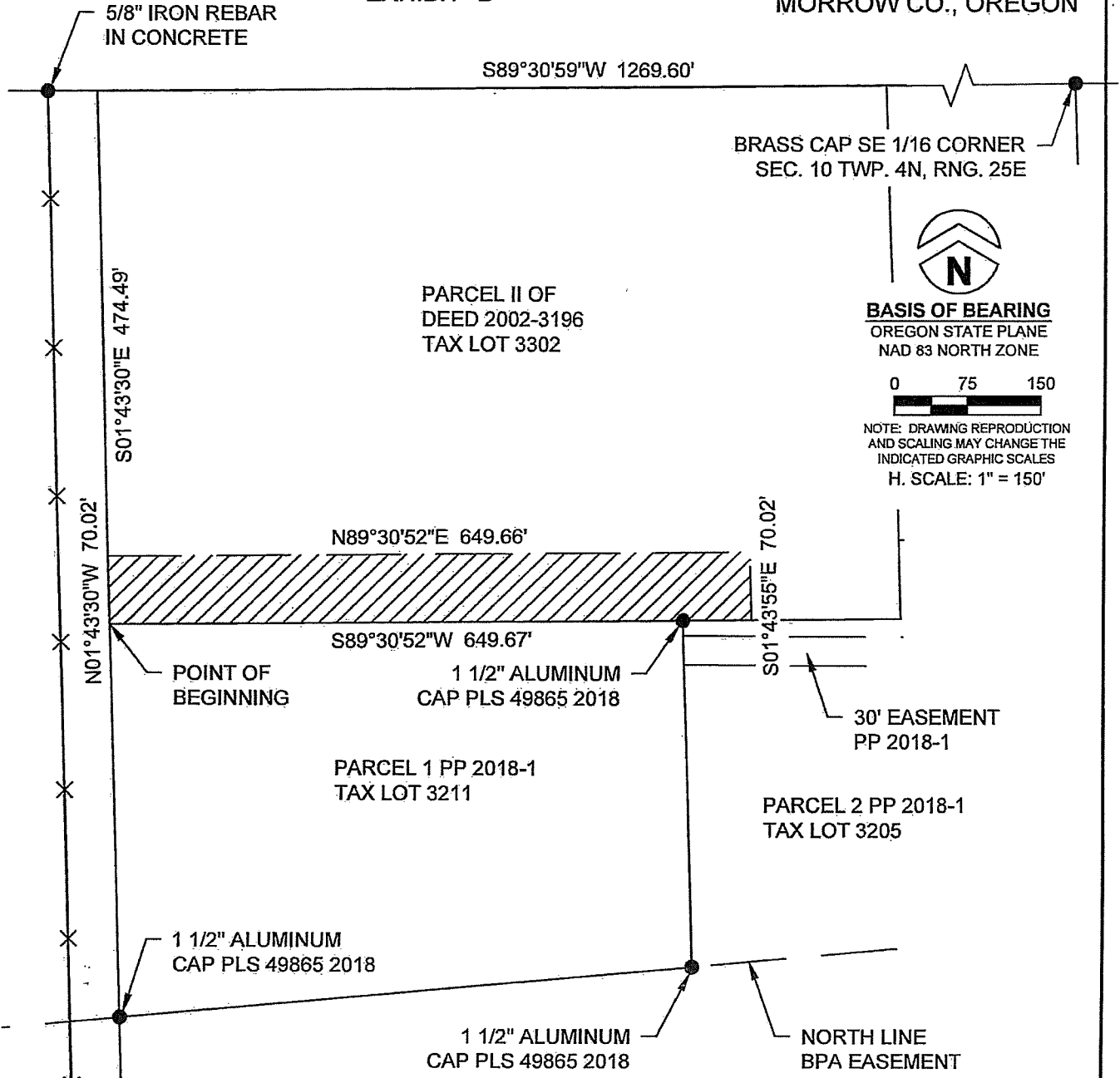


EXHIBIT A-2



SECTION 10  
TWP. 4N, RNG. 25E  
MORROW CO., OREGON

EXHIBIT "B"



**BASIS OF BEARING**  
OREGON STATE PLANE  
NAD 83 NORTH ZONE

0 75 150

NOTE: DRAWING REPRODUCTION  
AND SCALING MAY CHANGE THE  
INDICATED GRAPHIC SCALES  
H. SCALE: 1" = 150'

TAX LOT 3302

EASEMENT AREA  
45,493 SQUARE FEET  
1.04 ACRES

LEGEND

- FOUND MONUMENT AS NOTED
- QUARTER SECTION LINE

DATE	REVISION	#	 <b>TOTH &amp; ASSOCIATES</b> 830 E PRIMROSE, SUITE 200 SPRINGFIELD, MO 65807 Ph: 417-888-0645 Fax: 417-888-0657 www.tot Hassociates.com CERTIFICATE OF AUTHORITY: OR# not required © 2020 Toth and Associates, Inc.		PROJECT:
07/30/2020	ISSUED FOR REFERENCE	0			OLSON RD 230KV PLANNED TRANSMISSION LINE
					LOCATION: LA: 45.837123°, LN: -119.686090° TO LA: 45.834675° LN: -119.614017°, MORROW COUNTY, OR
					CLIENT: UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA
					TITLE: ELECTRIC TRANSMISSION EASEMENT TERRY TALLMAN
					SHT NO: V-902

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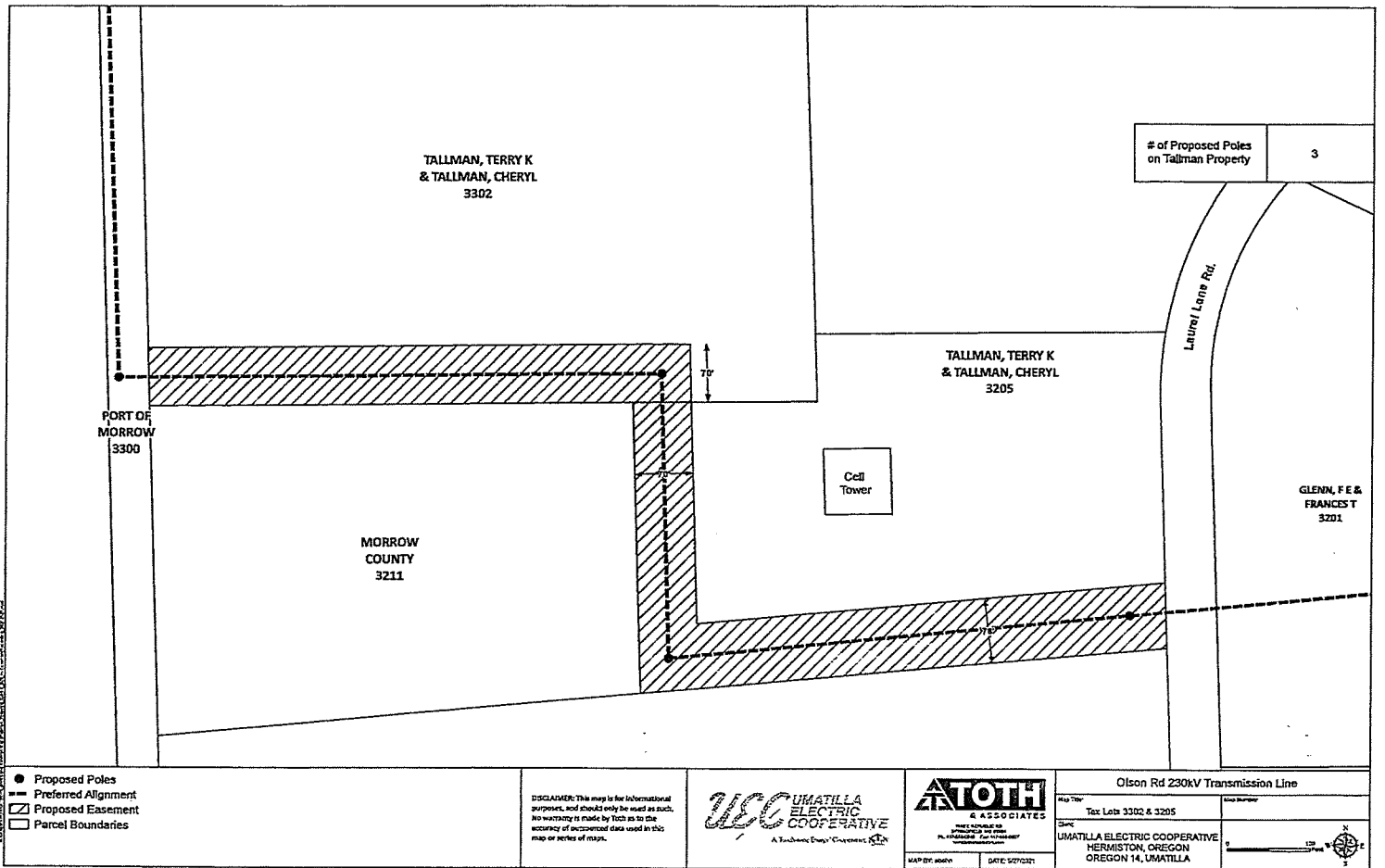


EXHIBIT C

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing **[PROPOSED] ORDER ON PLAINTIFF'S**  
3 **MOTIONS FOR ADVANCE OCCUPANCY AND TO STRIKE SUPPLEMENTAL**  
4 **DECLARATION OF JONATHAN TALLMAN AND DEFENDANT'S MOTION TO**  
5 **DISMISS** was served on:

6 Charles F. Hudson  
7 hudsonc@lanepowell.com  
8 Bruce H. Cahn  
9 cahnb@lanepowell.com  
10 LANE POWELL PC  
11 601 SW Second Avenue, Suite 2100  
12 Portland, OR 97204-3158  
13 Telephone: (503) 778.2100

14 *Attorneys for Defendant*  
15 *1<sup>ST</sup> John 2:17, LLC*

16 by the following indicated method(s):

- 17 [✓] by **MAILING** a full, true and correct copy thereof in a sealed, postage-  
18 paid envelope, addressed as shown above, and deposited with the U.S.  
19 Postal Service at Portland, Oregon, on the date set forth below.
- 20 [✓] by notice of **ELECTRONIC FILING** by using the Odyssey File &  
21 Serve at the party's email address as recorded on the date of service in  
22 the eFiling system (UTCR 21.100(4)), if applicable.
- 23 [✓] by causing a full, true and correct copy thereof by **ELECTRONIC**  
24 **MEANS** to the party, at the party's last known email address listed  
25 above on the date set forth below.

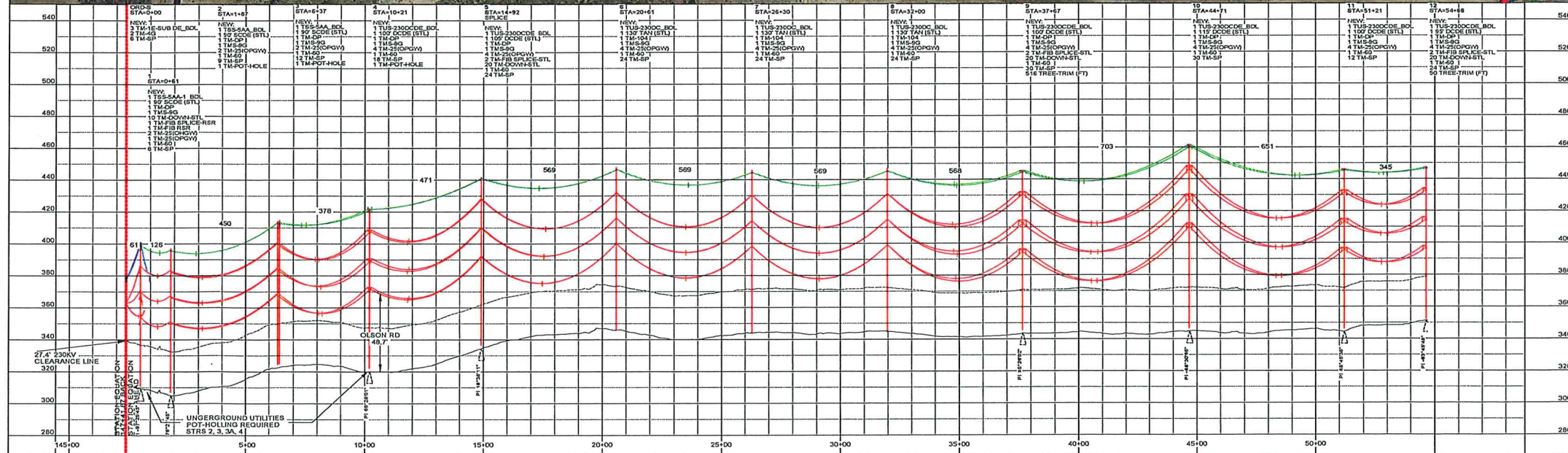
26 DATED: October 21, 2021.




27 CABLE HUSTON LLP

28 By: s/ Nicole M. Swift  
29 Nicole M. Swift, OSB No. 141419  
30 nswift@cablehuston.com  
31 1455 SW Broadway, Suite 1500  
32 Portland, OR 97201-3412  
33 (503) 224-3092 Telephone

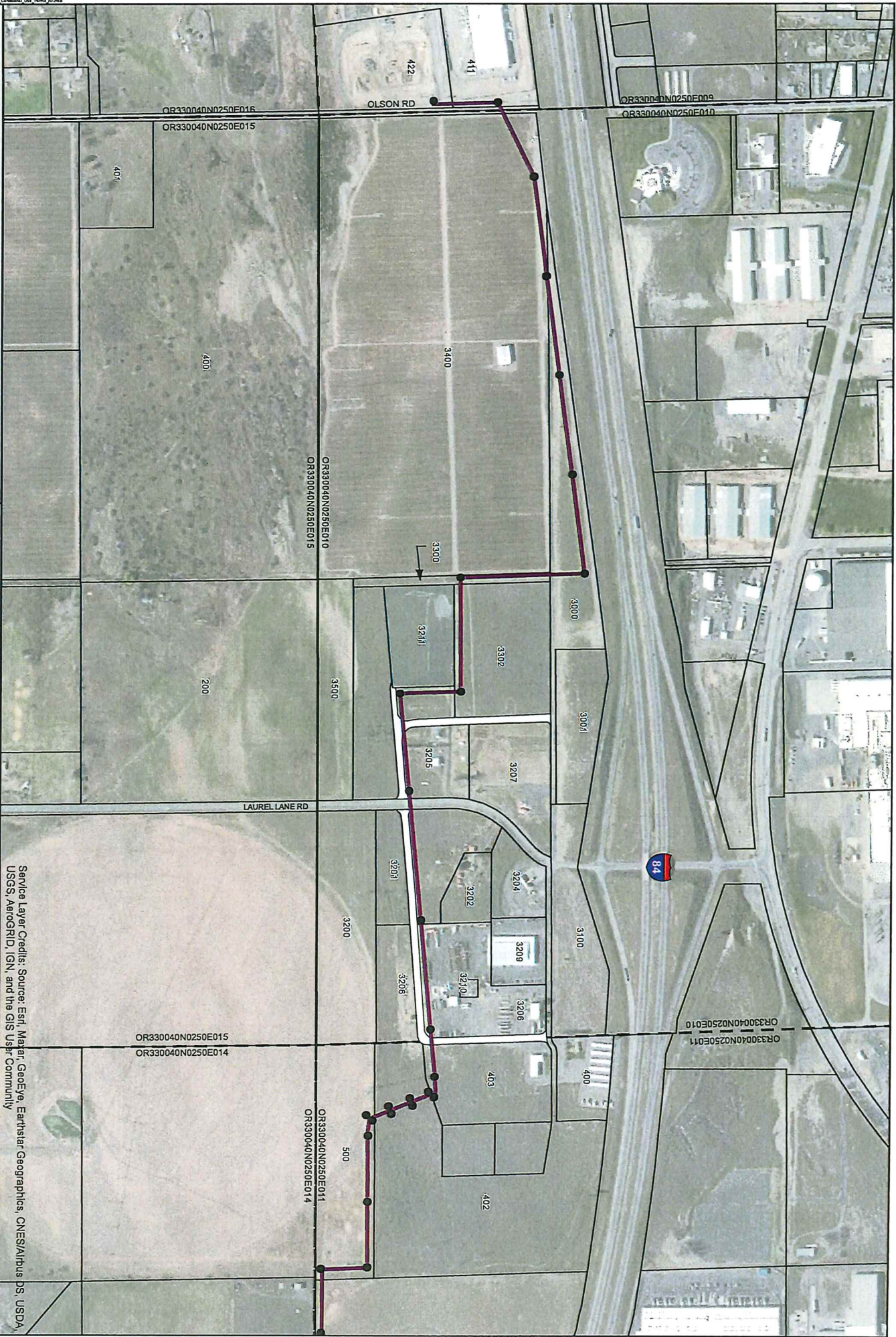
34 *Attorneys for Plaintiff*





DESIGN INFORMATION				230KV CLEARANCES				OREGON UTILITY NOTIFICATION CENTER				REGISTERED PROFESSIONAL ENGINEER 554393 UMATILLA ELECTRIC COOPERATIVE				DATE 7/30/21 REVISION ISSUED FOR CONSTRUCTION				PROJECT OLSON ROAD 230KV TRANSMISSION LINE			
RULING SPAN = VARIES				GROUND ROAD RAILROAD WATER				 <p>WHAT'S BELOW. CALL BEFORE YOU DIG.</p> <p>1-800-332-2344</p> <p>WWW.DIGSAFELY.OREGON.COM</p>				 <p>EXPIRES: 06/30/2022</p>				 <p>1550 E. REPUBLIC ROAD SPRINGFIELD, MO 65804 PH: 417-888-1242 FAX: 417-888-1057 WWW.ATOTHASSOCIATES.COM CERTIFICATE OF AUTHORITY NOT REQUIRED</p> <p>ATOTH &amp; ASSOCIATES, INC. 2810 N. HAWTHORNE AVE. SUITE 100 DENVER, CO 80217</p> <p>GRAPHIC SCALE MAY BE USED TO DETERMINE THE EXACT LOCATION OF THE TRANSMISSION LINE. OTHER DETAILS SHOWN WITHIN ARE NOT TO SCALE.</p>							
TRANSMISSION CONDUCTOR =				24.9' 24.9' 32' 24.9'																			
SIZE = 1272 ACBS HS265 (PHEASANT)																							
D. T. = 11,000-LBS (NESC HEAVY)				LOADING								LOCATION LA: 45.83302617, LN: 116.65504452 TO LA: 45.8346749, LN: 116.61490242, MORROW COUNTY, OR											
CURVE SHOWN AT 212' F (FINAL)				SID = NESC HEAVY LOADING								ELEV											
STATIC WIRE =				WIND ICE K F								UMATILLA ELECTRIC COOPERATIVE											
SIZE = TFO NH-58/17726-TFO-0PT02-170356				R-FW 1/2" 0.3 0" F								HERMISTON, OREGON											
D. T. = 8,500-LBS (NESC HEAVY)				P-RW WIDTH VARIES								OREGON-14-UMATILLA											
CURVE SHOWN AT 60' F (INITIAL)												TITLE											
DIST. TUBULATION				200.0 FT. - HORIZ. SCALE								PLAN AND PROFILE											
SIZE = 658 ACSR (DOVE)				30.0 FT. - VERT. SCALE								STA. 0+00 TO 54+69											
D. T. = 6,000-LBS (NESC HEAVY)												CU-100											
CURVE SHOWN AT 212' F (INITIAL)																							





- Planned Pole Locations
- Olson Rd to 730 SY Alignment
- Proposed Loop Road Area
- 2021 Parcels
- Sections

DISCLAIMER: This map is for informational purposes, and should only be used as such.

UMATILLA ELECTRIC COOPERATIVE  
A Traskens Energy Cooperative

**ATOOTH & ASSOCIATES**

1650 E. RESERVE RD  
SPRINGFIELD, MO 65804  
Ph: 417-898-0845 Fax: 417-898-0857  
www.atoothassociates.com

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Olson Road to 730 Switchyard

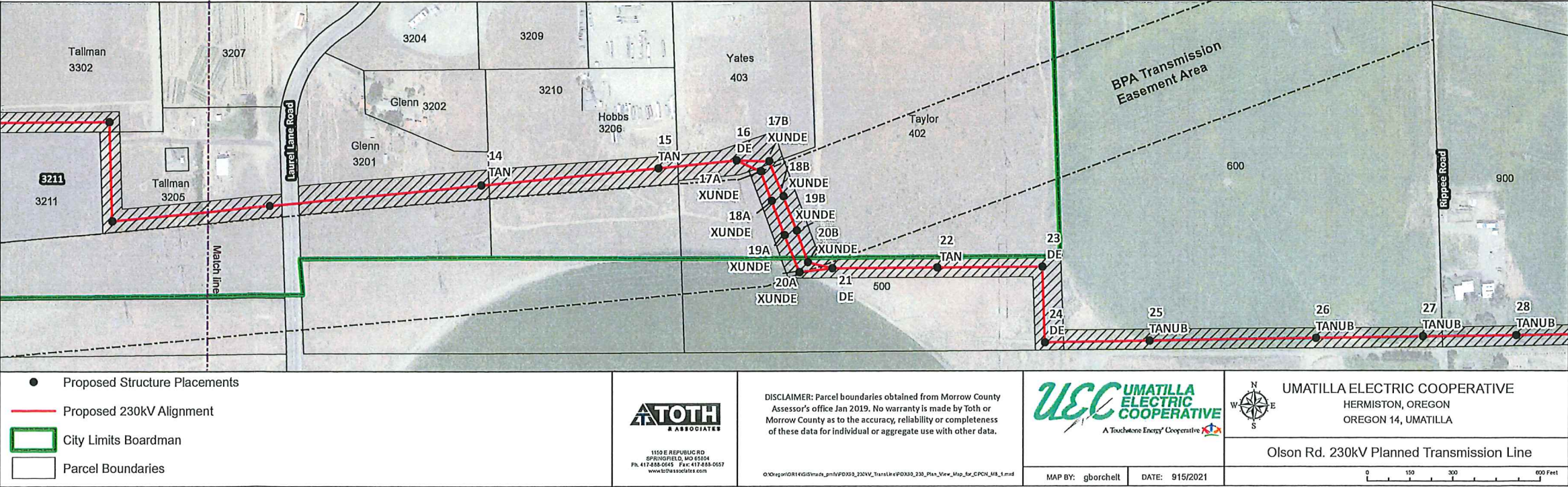
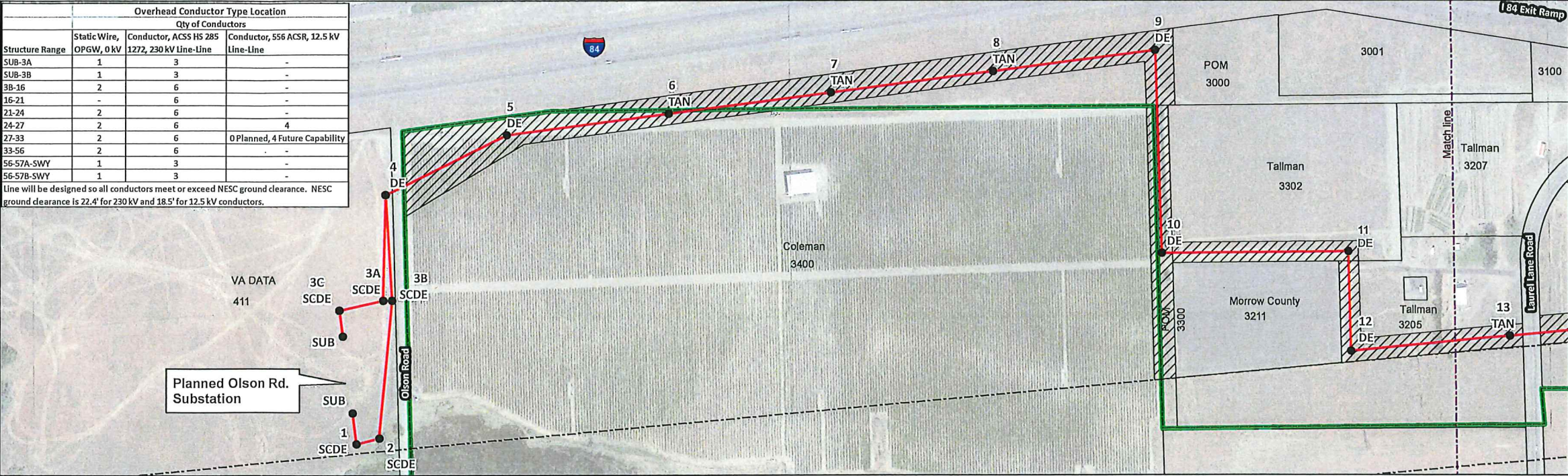
Map Title: Boardman Zoning Permit Area

Map Number: DH-012

Scale: 0 to 350 Feet

North Arrow







City of Boardman  
200 City Center Circle  
PO Box 229  
Boardman OR 97818

(541) 481-9252

Receipt No: 3.014392

Nov 2, 2021

Umatilla Electric Cooperative

Other Fees/Licenses - Zoning Approval - 4N2510 3205, 3302	250.00
<hr/>	
Total:	250.00
<hr/>	
Check                      Check No: 143864	250.00
Payor: Umatilla Electric Cooperative	
Total Applied:	250.00
<hr/>	
Change Tendered:	.00
<hr/>	

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