Attorney debates for wind farms
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By SAMANTHA TIPLER | Posted: Thursday, June 16, 2011 12:49 pm

Of the 70 people crowded into the media room at the Umatilla County Justice Center on Tuesday, the majority seemed to be standing against wind development.

But they didn't account for everyone. A few came representing wind companies, including attorney Elaine Albrich, with Stoel Rives of Portland. She spent more than an hour talking with the Umatilla County Commissioners about rules, regulations and laws pertaining to wind development, often to the sounds of groans and chuckles from the audience.

Standing her ground, Albrich debated with commissioners on several topics.

At the meeting, the latest draft of wind rule changes proposed establishing a protected area in the Blue Mountains for erodible soils and wildlife.

Albrich argued standards already in place, or those already proposed, cover this area well.

"If you're really looking to prevent erosion, the way to do that is to develop a standard that ensures you're not going to have erosion," Albrich said, "rather than just preclude development wholesale."

Commissioner Larry Givens argued other standards, such as noise, have been found wanting in some places. Now communities are having to fix problems afterward.

Albrich suggested having an enforcement officer work for the county, possibly supported by a special fee to wind companies.

"But there again it's after the fact," Givens said. "The damage has been done. I would rather be proactive and do something that will create standards where the damage won't be done."

That debate isn't over. The commissioners are still addressing the idea of a protected area at their next hearing on the wind rule changes on June 28.

Albrich also cautioned commissioners to make sure their decisions were based on facts, not opinions or interpretations.

"This decision today is a land use decision. It is not based on majority vote. It is not a political decision," Albrich said. "… It's not based on speculation or peoples' opinions on how things work or how they think the rules are interpreted."

Another time, Albrich got into a debate with Commissioner Dennis Doherty on the proper procedure for making all these changes to wind siting rules.

She argued the county was making a land use legislative decision, one that could be appealed to the state land use board of appeals.

“Do you have a major disagreement with the process?” Doherty asked her.

Albrich paused a moment, then said, “I don’t have a disagreement with it, I just caution the county in its decision making.”