

**From:** [SHEPHERD Gabe](#)  
**To:** [Benton Public Comment](#)  
**Subject:** FW: LU-24-027: Benton County Code detail  
**Date:** Monday, February 3, 2025 9:10:08 AM  
**Attachments:** [image001.png](#)

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**Gabe Shepherd** *(he/him)*  
Commissioner  
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**From:** Paul Nietfeld  
**Sent:** Friday, January 31, 2025 10:58 AM  
**To:** SHEPHERD Gabe  
**Subject:** Benton County Code detail

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Good morning Commissioner Shepherd,  
Congratulations on your election to this important and influential position. I hope your term is starting off well.

I wanted to make you aware of a couple of points on county process and code regarding the topics of Solid Waste and Landfill Site.

1. In the 1/30/2025 Board of Commissioners discussion on the proposed 58-day extension requested by the franchisee for LU-24-027, I believe late in the discussion you made a reference to "starting with the Planning Commission" in regarding the public consideration process for this application. I am certainly not a lawyer nor a county code expert, but I believe the Benton County Code still specifies that for any proposal to expand the area approved for landfill "The Benton County Environmental Health Division and the Solid Waste Advisory Council shall review and make recommendations through the Planning Official to the Planning Commission regarding the Site Development Plan Map and narrative." [77.305] As you may be aware, the Board of Commissioners announced a "temporary pause" of Solid Waste Advisory Council (SWAC) activities in November 2023; this action has effectively disbanded SWAC, which was established by Benton County Code Chapter 23 and functioned in part as an avenue for public comment on solid waste issues.

Proceeding with formal consideration of LU-24-027 without conforming to code requirements for recommendations from the Environmental Health Division and the Solid Waste Advisory Council would seem to leave the county vulnerable to future challenges to the decision on this CUP, whatever the outcome. My humble suggestion is that rather than take this risk, or revise the code to eliminate this prudent provision, the county reconstitute SWAC, allow it to hold public meetings on this topic and provide a recommendation to the Planning Commission as required by county code.

2. On a related note, you should be aware that during the course of the Solid Waste Process

Workgroup ("BCTT") proceedings it was revealed that the county could not produce any record of a permit for the filling of Coffin Butte Cell 6 (quarry site). See **LSCL R-6** and the debated and indeterminate **LLU F-23** items in the [BCTT Final Report](#). The decisions on this contentious issue clearly predate your term as Commissioner, but you should be aware that a) the county is unable to provide a clear record of approval for Cell 6, b) the county has allowed the franchisee to move forward with emplacing waste in this cell despite the lack of a clear permit, and c) the lack of a formal, documented permit for this extremely large cell means that there is no record of any public debate, consideration by county agencies, formal vote of approval or defined Conditions related to this cell. These points may come up during the public discussion on LU-24-027.

I would be happy to provide more underlying detail on either or both of these issues if you wish. Hoping that most of your duties are more pleasant and productive than the points I discuss above.

Regards,  
Paul Nietfeld