

RESULTS AND DEFICIENCIES

A. Results of the “Centre County Consistency Review with Local, Regional and County Land Use and Transportation Plans for the Rush Township Point of Access Study”

The following excerpts from the “Centre County Consistency Review with Local, Regional and County Land Use and Transportation Plans for the Rush Township Point of Access Study” (Attachment 3) identify some of the serious issues which the applicant must overcome to resolve the conflict with land use with regards to the proposed landfill and I-80 Interchange.

- “The Municipal Planning Code also notes that special planning review and consideration should be given to large-scale developments that may have impacts on municipalities outside of the jurisdiction within which the proposed development is to be located. To ensure that developments of regional significance and impact are adequately planned for, Section 301(a)(7)(ii) of the MPC requires that County Comprehensive Plans:

“identify current and proposed land uses which have a regional impact and significance, such as large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential developments, regional entertainment and recreation complexes, hospitals, airports and port facilities”

The proposed landfill and industrial park clearly falls within this category, particularly given its proximity to Snow Shoe Township, and as such deserves additional planning review to ensure that adequate protections are in place for all impacted municipalities.” (p. 6, para 4)

- “The proposed landfill/industrial park/interstate access interchange is not a compatible land use given the nature and scale of the development adjacent to Snow Shoe Township. Most importantly, the secondary impacts from the proposed use will create traffic impacts due to the fact that *all* local access to the site is from Snow Shoe Township through the Village of Moshannon.” (p. 8, para 2)
- “Further, the proposed use appears to be inconsistent with several elements of the County Comprehensive Plan.” (p. 8, para 3)
- “The development of a landfill/industrial park/interstate access interchange in this location would likely have a negative impact on this region’s ability to market itself to outdoor tourism. The proposal also includes the reactivation of a rail line that would cut off an existing rail project designed to provide connectivity to this region for outdoor enthusiasts.” (p. 11, para 3)
- “The effects of deterioration to the Mountaintop Region’s economy would be particularly severe. In fact, the majority of the Region’s growth during the 1990s was due to growth in seasonal housing development. While the applicant has proposed both a landfill and industrial park, which would add to the region’s employment opportunities, public disclosure of the number of employees proposed at the site vary. A total of 35 employees were cited in a recent permit application filed by Resource Recovery LLC to the PA Department of Environmental Protection. In a recent public advertising campaign in local newspapers, again by Resource Recovery LLC, a total of 750 employees was cited. **This inconsistency alone makes it difficult to evaluate the economic impacts relative to economic and quality of life costs.**” (emphasis supplied; p. 11, para 4)

- Per the **RECOMMENDATIONS** section of the report: **“The Centre County Planning Commission has an obligation under the MPC to ensure compatibility in land use planning between adjacent municipalities. With Snow Shoe Township’s existing planning and land use controls, in addition to the numerous inconsistencies with the goals, objectives and recommendations of the Centre County Comprehensive Plan, the Planning Office recommends that the Planning Commission find the proposed landfill/industrial park/interstate access interchange proposal inconsistent with the plan.”** (p. 12, para 1).

On August 16, 2005 the Centre County Planning Commission voted 4-1 to accept the recommendations of the Planning Office. The lone dissenting vote was from Jack Shannon, Rush Township Supervisor and signer of the Host Municipality Agreement with RLLC.

On September 13, 2005 the Centre County Board of Commissioners unanimously voted to accept the recommendations of the Planning Office.

B. Deficiencies with the recently developed Rush Township Comprehensive Plan

In an obvious attempt to circumvent the Centre County Planning and Community Development Office (CCPCDO) inconsistency determination, RLLC is attempting to rely on the recently developed Rush Township Comprehensive Plan to demonstrate consistency with land use. This plan is seriously flawed and cannot be legitimately used to resolve the conflict with local land use.

Following are a few of the numerous deficiencies regarding the process and manner in which Rush Township Supervisors drafted and adopted their comprehensive plan:

- The Rush Township Comprehensive Plan was adopted almost two years **after** the Rush Township Supervisors signed a host agreement with the applicant. Upon entering into the host agreement with RLLC, Rush Township abdicated all land use controls for their portion of the 5,800-acre parcel, approximately 2,300± acres. Rush Township was forced by this host agreement to adopt land use designations in their comprehensive plan that would support the landfill:

“Obligations of Township

Township agrees that in consideration of this Agreement and payment received under the Agreement, Township will not interfere with or oppose the permitting, re-permitting, or permit modifications (to the extent that such permit modifications are not inconsistent with this Agreement) of the Landfill, or pass any ordinances or regulations regulating or interfering with the operation of the Landfill.” (Host Municipality Agreement between Resource Recovery, LLC and Rush Township dated May 28, 2004, p. 9, Item 23; see Attachment 7a)

- The process for developing and adopting the Rush Township Comprehensive plan lacked real citizen involvement. No effort was made by the Rush Township Supervisors or Planning Commission to reach out to the Rush Township citizens to educate and encourage their involvement in the planning process for the future of their community.
- Approximately one month after the CCPCDO determined the proposed landfill and interchange were inconsistent with Centre County’s Comprehensive Plan, the Rush Township Supervisors hired Rettew Associates, Inc. to develop a comprehensive plan for their township. Rettew

Associates, Inc. is also employed by RRLLC as the engineering firm conducting the Point of Access (POA) study for the proposed I-80 Interchange designated as the haul route for the landfill. This is a serious **prima facie** conflict of interest.

- A comprehensive plan should be long-term, carefully thought out, and the process should build on what has been done previously. Centre County planning officials have tried in the past to work with Rush Township on developing a comprehensive plan and zoning. Prior to the landfill proposal, Rush Township was not interested in any land use planning.

In fact a comprehensive plan for Rush Township was developed 20 years ago and “put on the shelf.” Much of this 20-year old plan was copied and used for the 2006 Comprehensive Plan but different conclusions were reached based on the same 20-year old data. Most critical is that, while no facts have changed, the old plan called for Forest/Recreation, not an Industrial Enterprise Zone (IEZ), for the area targeted for the landfill. It is apparent the IEZ designation is being used to justify the landfill as no basis was presented to support the IEZ designation. The Economic Benefits Analysis referenced in the plan was not a true analysis. Rather, it was simply an estimate of the number of square feet which could accommodate various uses with a projection for the number of jobs which could result. No marketability analysis or surveys were undertaken to support the business and job projections. *Note: A copy of the 1987 Rush Comprehensive Plan draft can be provided upon request.*

- The Rush Township Comprehensive Plan was developed in an accelerated time frame. The preparation of the comprehensive plan started in August 2005 and the draft plan was completed by December 2005. The Rush Township Planning Commission held four regularly scheduled meetings between August 1 and December 5, 2005. The plan was discussed at these meetings; however, because there was no special outreach or publicity, only a handful of Rush citizens attended the meetings. The Rush Township Planning Commission members were minimally involved in the process. At one meeting, only two members were present -- not enough to even conduct business.
- There is no documentation of a market feasibility study having been conducted for the IEZ. Impediments to development in the area designated for the IEZ include the lack of sewer service, on-site water and electricity, and road infrastructure. Given all of the competing potential (and more attractive) industrial development sites in the Central Pennsylvania region this remote, isolated spot seems to be an unlikely candidate for industrial development.
- The legality of the adoption of the comprehensive plan at the February 2006 Hearing/Special Meeting by the Rush Township Supervisors is suspect. During the hearing/meeting changes were made to the version of the comprehensive plan which had been advertised for public comment. Altering the plan in any fashion should have required another sequence of a public notice, a public meeting, and a public hearing. This process did not take place.
- Although the proposed I-80 Interchange is proclaimed as a necessity for the future economic development of Rush Township, **no direct** access to this interchange will be provided for Rush Township residents.

Note: A copy of the 2006 Rush Township Comprehensive Plan can be provided upon request.