



# HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

## FISCAL NOTE

HOUSE BILL: 263

PRINTER'S NO: 268

PRIME SPONSOR: Freeman

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
<b>Expenditure Increase/(Decrease):</b>		
Local Government Funds	\$ 0	\$ 0

### OVERVIEW:

House Bill 263 amends the Appalachian Trail Act (Act 41 of 1978) which protects the Appalachian Trail from incompatible land uses in order to preserve the natural, scenic, historic, and aesthetic value of the trail.

Last legislative session, the General Assembly amended the Appalachian Trail Act with House Bill 1281 (Act 24 of June 11, 2008) to require municipalities through which the trail passes to adopt, implement, and enforce zoning ordinances, subdivisions, and land development ordinances needed to preserve land around the Appalachian Trail. This provision does not apply to a municipality if the trail and its adjoining properties are owned by the Department of Conservation and Natural Resources or operated as a game preserve by a nonprofit, nonstock corporation.

Act 24 also required the Department of Community and Economic Development to provide these municipalities with technical assistance related to zoning matters and the Department of Conservation and Natural Resources to assist municipalities in the identification and acquisition of property. Furthermore, municipalities that had not adopted ordinances as of the effective date (August 10, 2008) were given priority for grant funding under the Land Use Planning and Technical Assistance Program administered by the Department of Community and Economic Development.

This bill makes two changes to the provisions added by House Bill 1281 (Act 24). First, it changes the wording in Section 4(a) requiring the adoption, implementation, and enforcement of "zoning ordinances as the governing body deems necessary" to "a zoning ordinance the content of which the governing body deems appropriate". This proposed change is intended to reinforce legislative intent that each affected municipality shall adopt zoning ordinances pursuant to the Act. A few but not all of the affected municipalities have interpreted the language to mean they only need to adopt such ordinances if they deem it necessary to do so.

Second, the bill extends the deadline for implementation of the zoning ordinances from August 10, 2009 to August 11, 2010.

Currently, there are 54 townships located along the Appalachian Trail. Eleven out of the 54 townships did not have zoning and or subdivision/land development ordinances at the time House Bill 1281 was sent to the Governor for his approval. They were as follows:

- In Franklin County: Southampton Township.
- In Cumberland County: Cooke Township
- In Dauphin County: Halifax, Reed, Rush, and Wayne Townships
- In Lebanon County: Cold Spring and Swatara Townships
- In Schuylkill County: East Brunswick and Washington Townships
- In Lehigh County: Washington Township

Swatara Township, Lebanon County, and Washington Township, Lehigh Township, have since enacted ordinances pursuant to the Act.

The effective date of the bill is immediate.

#### **ANALYSIS:**

The extension of the deadline for implementation of zoning ordinances pursuant to the Act allows any related costs to be postponed. It does not add more costs to the impacted municipalities.

The language change to reassert legislative intent does not change the intended costs considered by the General Assembly with the passage of House Bill 1281 last session, which became Act 24 of 2008. From the perspective of those municipalities that have interpreted Act 24 at variance with legislative intent, the bill re-imposes those costs. To reiterate the fiscal note for House Bill 1281, the costs associated with adopting and implementing these ordinances, according to the Pennsylvania State Association of Townships, range from \$25,000 to \$50,000 per township. This would include costs to draft the ordinance by legal counsel or a consultant, as well as legal advertising costs. The cost would vary from community to community. In a more developed or growing community, a full-time zoning officer would be needed at a salary of \$30,000-\$40,000, not including benefits, office space, and equipment.

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House Appropriations Committee, (D)

**DATE:** March 9, 2009

**General Note and Disclaimer:** This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.