

TOWN OF CAREFREE

INFORMATION SUMMARY

MEETING DATE: August 4, 2015

SUBJECT

Text Amendment, Case #15-01-TA:

Discussion and possible action regarding proposed amendments to the *Town of Carefree Zoning Ordinance 10th Publication*, the *Carefree Arizona Town Code*, and the *Town of Carefree Subdivision Ordinance*. These text amendments address dust control measures in a continued effort to reduce the emissions of particulate matter in the Town of Carefree. Public comments will be taken.

ATTACHMENTS

- Exhibit "A": Town Code Chapter 6, Offenses and Chapter 7, Traffic; Parking
- Exhibit "B": Zoning Ordinance Article VII. Parking Requirements and Article IX. General Provisions
- Exhibit "C": Subdivision Ordinance Article III. Design Standards and Principles
- Exhibit "D": ORDINANCE #2015-01, ORDINANCE #2015-02, ORDINANCE #2015-03

SUMMARY

The Town of Carefree as well as other municipalities is an active participant in helping reduce airborne particulate matter (PM 10 - particles up to 10 microns) that constantly impacts air quality in both the Valley and State. In 2008, the State of Arizona mandated a surface pollution reduction plan to help the State comply with EPA regulations. Cities and towns including Carefree responded by adopting and enforcing dust control measures to help make air cleaner in their communities. In addition, Carefree as well as other municipalities provides a yearly report to the Maricopa Association of Governments offices (MAG) outlining what measures we take to help reduce the levels of PM 10 within our community.

While the Town does not have a specific "fugitive dust control ordinance", one can find regulations related to controlling particulate matter within the *Town Code and Zoning Ordinance*. Current efforts to reduce fugitive dust found in these documents focus on 3 areas: unpaved areas, leaf blowers, and fireplace emissions. Carefree also owns a P-10 street sweeper, which is an essential piece of Town equipment that helps control dust. While these measures are effective, the State suggests additional language that the Town should embrace, especially regarding vacant lots. The adoption of these additional measures will help to maintain those standards which have been set by the Federal Government and reduce the incidence of fugitive dust in the Town.

The proposed text amendments to the *Carefree Zoning Ordinance* are as follows:

- Article VII. Parking Requirements – Refine and add new language related to design standards of dustproof materials.

This amendment clarifies exactly what constitutes a “dustproof” surface. Staff is often asked about the appropriateness of various materials for driveways. This amendment spells out what the Town will accept. However, it allows for flexibility to account for the technology and development of new materials.

- Article IX. General Provisions – Add new language to address dust control measures related to grading and drainage operations during construction.

Dust and other air pollution from demolition and construction activities can impact greatly the health and quality of life of people working on and living close to these sites. Dust can become airborne when soil is exposed or left uncovered. Wind then picks up the exposed soil and carries it off-site. This addition to the Zoning Ordinance addresses earthwork procedures as it pertains to grading and drainage, and requires certain procedures be followed to minimize blowing dust and spillage of materials that generate dust.

The proposed text amendments to the *Carefree Subdivision Ordinance* are as follows:

- Article III. Design Standards and Principals – Add language to strengthen street design requiring paved surfaces.

Similar to strengthening the Zoning Ordinance language as it pertains to dustproof materials and required pavement areas, adding this to the Subdivision Ordinance clarifies the development expectation of new neighborhoods. While typically a developer will plan for paved streets, it is not explicitly cited in the Subdivision Ordinance.

The proposed text amendments to the *Carefree Arizona Town Code* are as follows:

- Chapter 6. Offenses – Add new language regarding leaf blower prohibitions and exemptions.

The airborne debris generated by leaf blowers contribute to particulate matter pollution. Avoiding using leaf blowers, or using them properly, can help Carefree maintain acceptable air quality levels and protect human health. The proposed language defines a leaf-blower; restricts blowing on all rights-of way, not just roadways; restricts blowing onto adjacent properties to minimize resident conflicts and contain debris; restricts blowing on unstabilized surfaces which is a common way of producing dust; and, provides for restrictions on High Pollution Advisory Days which includes pollution generated by fugitive dust. Together these requirements

manage leaf-blower use throughout the Town and support the reduction of fugitive dust.

- Chapter 7. Traffic; Parking – Add new language addressing the operation of vehicles on vacant lots.

Missing from Town Code is a restriction for vehicular use on vacant lots. The purpose of this language is to limit the emissions of particulate matter into the environment from human activity on unpaved parking lots, unpaved roads, and vacant lots. Vacant lots are areas where vehicle travel can stir up dust repeatedly. This dust can then be carried onto paved roads where it is swept back into the air again. Minimizing surface area disturbance will help reduce the amount of airborne dust.

PUBLIC PARTICIPATION

The Planning and Zoning Commission held a public meeting on July 13, 2015 in order to provide opinion and solicit feedback to Town Council and possibly make a recommendation to Town Council regarding the revised and new dust control language. There were no members of the public in attendance.

The Commission first questioned why the amendments were necessary particularly since Carefree is typically a compliant and incident-free community. Staff explained that it is every municipality's responsibility to have measures in place that are compatible with State requirements. This ensures that if there are ever dust control violations, the Town has legal recourse through its governing documents. Also, this is a Federal mandate via the Environmental Protection Agency (EPA), who provides funding for air quality-related projects, such as our recent Bike Lanes grants. Potential dollars may be in jeopardy if the area and/or state are below Federal standards for air quality. Lastly, Carefree is required by state statute to report to the Arizona Department of Environmental Quality (ADEQ) on a yearly basis as to the Town's efforts related to reducing particulate matter.

Other key points discussed were related to the application of the amendments to public and/or private properties. Staff explained that the majority of the language referred to public rights-of-way, however, there were applications regarding private property. With regards to leaf blowers, it is illegal to blow debris into the public right of way, but also onto neighboring properties. In this case, it may be a private matter. The enforcement of these items would be complaint-driven, however. Similarly, new language prohibits leaf blowers being used on high-pollution advisory days for public and private entities. This will mean that we have to make ourselves aware of such days and review dust control forecasts via ADEQ.

Also, limitations are proposed on the use of unauthorized motor vehicles or off-road vehicles which are creating fugitive dust emissions from an open area or vacant lot. If the area is of sufficient size and is being sufficiently disturbed by vehicles, then the property owner is required to use control measures to limit the emission of dust. This relates to private properties as well as Town-owned land. A follow-up question was asked about off-road parking during festivals since many of our shoulders are unpaved. Staff

answered that it would be considered a “normal course of business” in Carefree, and therefore not included under the new regulation.

Lastly, it was asked if these amendments were a response to ensure that Bike Lane funding was secured. Staff replied no, however, the project is funded through a Congestion Mitigation Air Quality (CMAQ) grant, which are Federal dollars. These tightened dust control measures reinforce Carefree’s commitment to air quality. We can show Carefree does its part to comply with the EPA.

The Planning and Zoning Commission were in agreement with the new and revised dust control measures. The recommendation for Town Council was to approve Case 15-01-TA, the proposed amendments to *Town of Carefree Zoning Ordinance 10th Publication*, the *Carefree Arizona Town Code*, and the *Town of Carefree Subdivision Ordinance* to address dust control measures in a continued effort to reduce the emissions of particulate matter in the Town.

ACTION NEEDED FOR RECOMMENDATION

Proposed are approvals of Ordinance #2015-01, Ordinance #2015-02, and Ordinance #2015-03.