



# MEMO TO CITY COUNCIL

---

## Topic on the City Council Workshop Agenda

**From:** Laurelei McVey, Public Works  
Bruce Freckleton, Community Development

**Meeting Date:** September 2, 2025

**Topic:** Construction Practices and Design Review Processes

---

### Recommended Council Action:

Seeking direction for desired next steps.

---

### Construction Practices

#### **Background:**

The Public Works, Police, and Legal Departments evaluated the options for improving processes around construction practices, specifically related to dust and noise. While any of these options will need further vetting and development, a high level summary follows that identifies potential required policy, code, and/or ordinance changes as well as additional resource that would be needed to implement the change.

The Building Contractors Association (BCA) was informally consulted to provide comments and potential suggestions to improve process development. An initial memo and best management practices suggestions (BMPs) from members of the BCA is included as an attachment to this memo.

#### **Recommendation:**

The Public Works, Police, and Legal Departments recommend pursuing option #1 which includes improved processes and tracking for a period of at least 1 year to determine the extent of the issue. Before the City commits significant resources, FTEs, and adds additional regulation, the scope and scale of the issue should be evaluated. Data driven decisions will allow the City to make informed program improvements that will deliver the most impact to all citizens while still ensuring fiscal responsibility. Additionally, option #1 as outlined below is in alignment with recommendations provided by the BCA.

#### **Definitions:**

CGP: Construction General Permit  
DEQ: Idaho Department of Environmental Quality  
EPC: Environmental Programs Coordinator  
PD: Police Department  
PO: Police Officers  
PW: Public Works Department  
SWPPP: Stormwater Pollution Prevention Plan

**Options:**

As Is, Existing Processes	
Dust:	All sites over 1 acre require a SWPPP. DEQ and ACHD conduct routine, random site inspections related to SWPPPs. Dust and track out complaints are forwarded to the EPC. EPC works to obtain voluntary compliance. If compliance cannot be obtained, EPC will work with DEQ and/or ACHD to include additional enforcement. DEQ and ACHD work to obtain compliance. Non-compliance must be visually occurring at time of inspection. Enforcement action includes DEQ fines to developer or CGP holder.
Noise:	Noise complaints are investigated by POs via dispatch calls under current noise ordinance. POs work to obtain voluntary compliance. If compliance cannot be obtained, PO must observe violation or have citizen willing to sign ticket. Enforcement action includes misdemeanor ticket and a fine up to \$1000 as determined by judicial process directly issued to person creating dust (ie a worker/employee). Current noise ordinance defines allowable working hours as 6am-11pm.

Option #1: Process Improvements and Tracking (Recommended Option)	
Dust:	Best practices (BMP) information will be provided to all contractors at pre-con meetings. EPC to work with DEQ on better compliance assistance/tracking. SWPPPs will continue to be required per DEQ. PW will track dust complaints and report back to Council on the number of complaints received by development/developer to determine if additional changes are needed.
Noise:	PD to track construction noise complaints and report back to Council on the number of complaints received by development/developer to determine if additional changes are needed.
Policy, Code, Ordinance Change Needed	None
Additional Resources Needed	Some additional time constraints on existing staff
Potential Action Items:	<ul style="list-style-type: none"><li>• Create webpage to assist constituents in understanding construction processes and how to call/report issues</li><li>• Meeting with DEQ on additional inspection assistance and process improvements</li><li>• Incorporate BMP document into all pre-con meetings</li><li>• Future construction complaint data update to Council</li></ul>

Option #2: Updating Existing Ordinances	
Dust:	Update nuisance ordinance to include dust issues. Would need to work on definitions and conditions (construction type, active work conditions). Voluntary compliance is still desired approach. Code Enforcement or PO must observe violation. Enforcement action includes misdemeanor ticket and a fine up to \$1,000 as determined by judicial process directly issued to property owner (likely developer).
Noise:	Update current noise ordinance to adjust construction start times. Would need to work on definitions and conditions (construction type, active work, days of week). Voluntary compliance is still desired approach. POs work to

	obtain voluntary compliance. If compliance cannot be obtained, PO must observe violation or have citizen willing to sign ticket. Enforcement action includes misdemeanor ticket and a fine up to \$1,000 as determined by judicial process directly issued to person creating dust (ie a worker/employee).
Policy, Code, Ordinance Change Needed	<ul style="list-style-type: none"> <li>• Update nuisance ordinance</li> <li>• Update noise ordinance</li> </ul>
Additional Resources Needed	<p>Additional time constraints on existing staff</p> <p>Additional prosecution time</p> <p>Reducing allowable work hours will likely lengthen total project duration and costs</p>
Potential Action Items:	<ul style="list-style-type: none"> <li>• Update nuisance ordinance</li> <li>• Update noise ordinance (define hour changes)</li> <li>• Training for staff on new ordinances and processes</li> <li>• Outreach to development community on new noise hour limitations and dust enforcement processes</li> </ul>

Option #3: Dust Mitigation Plans	
Dust:	Require all projects to submit SWPPP or Dust Mitigation Plan (if no SWPPP is required by DEQ) to the City.
Noise:	Not related to Noise, see other options
Policy, Code, Ordinance Change Needed	<ul style="list-style-type: none"> <li>• Change UDC code to require plan submissions</li> <li>• Add inspection and enforcement mechanisms to code- staff need authority to enforce information in plans <ul style="list-style-type: none"> <li>○ PW or Building Services Inspectors are responsible for inspection depending on stage of project and level of non-compliance</li> <li>○ Code Enforcement is responsible for enforcing penalties</li> </ul> </li> <li>• Determine enforcement penalties (could be stop work orders, criminal penalties, or fines depending on how code change is written)</li> </ul>
Additional Resources Needed	<p>Land Development staff time to review dust plans</p> <p>IT time to reprogram Acella</p> <p>Inspection time (PW/Building Services)</p> <p>Enforcement time (Code)</p> <p>Additional prosecution time (Legal)</p> <p>Additional cost to development</p>
Potential Action Items:	<ul style="list-style-type: none"> <li>• Develop minimum Dust Mitigation Plan requirements</li> <li>• Add plan submission to permit checklists</li> <li>• Train Land Development staff on plan review requirements</li> <li>• Train inspectors on inspection processes</li> <li>• Determine enforcement penalties and develop processes</li> <li>• Determine if development of fees for staff time is needed</li> <li>• Outreach to development community on Dust Plan requirements for projects when no SWPPP is required by DEQ</li> <li>• Work with DEQ and ACHD to understand enforcement process and avoid duplication/confusion</li> </ul>

Option #4: Full Construction Practices Ordinance Development	
Dust & Noise:	Full construction practices ordinance is developed. Ordinance could include all construction issues including dust, noise, light, etc.
Policy, Code, Ordinance Change Needed	<ul style="list-style-type: none"> <li>• Full ordinance development</li> <li>• Inspection and enforcement provisions to be added</li> </ul>
Additional Resources Needed	Development of a full program to include FTE(s), from general fund, to handle plan reviews, site inspections, and enforcement activities. IT time to reprogram Acella Additional prosecution time (Legal) Additional cost to development
Potential Action Items:	<ul style="list-style-type: none"> <li>• Define ordinance parameters</li> <li>• Creation of ordinance language</li> <li>• Creation of plan review, inspection, and enforcement processes and forms</li> <li>• Staffing analysis to determine staffing levels</li> <li>• Create job description and hire FTE</li> <li>• Development of fees</li> <li>• Outreach to development community on new restrictions/requirements/fees</li> </ul>

---

## Design Review Process

### **Background:**

**Design Review:** Design review has been part of the City’s development review process since the adoption of the Unified Development Code (UDC) in 2005. In 2009, the City established a formal Design Manual, specifically addressing site and structure design. In 2015, the process was refined again with the adoption of the Architectural Design Manual (ASM), which focuses exclusively on building design. UDC 11-5A-2 designates the Community Development Director, designee, or in some cases the Design Professional Committee as the decision-making body for design review. It is important to note that administrative design review is not required for single-family detached homes unless required through a development agreement.

**Building Height:** In the UDC each zoning district (Residential, Commercial, Industrial, and Traditional Neighborhood Districts) specifies the maximum height requirements and list items that are exempt from the maximum height regulations. In the Commercial, Industrial, and Traditional Neighborhood Districts, additional building height can be granted through the alternative compliance or conditional use permit process. This additional building height isn’t offered in the residential districts.

When measuring building height, the UDC defers to the International Building Codes. This has been the standard practice of the city for quite some time. Building height is reviewed during the plan review process and if height is questioned, Planning consults with the Building Department to ensure the height complies with all applicable codes.

### **Recommendation:**

Planning staff recommends that the zoning code (UDC) remain generally aligned with the adopted International Building Codes. Further, Staff recommends some exemptions should remain in place for certain architectural features and mechanical equipment screening, as this is consistent with City code and the design guidelines outlined in the ASM. However, due to recent concerns regarding height, some clarifications and changes to what is exempt from building height could be made; below is a list of potential code changes for discussion. Staff further recommends that any changes related to the design review process or building height be reviewed and further vetted through the UDC Focus Group, and the Building Contractors Association of Southwest Idaho.

### **UDC Code Option(s):**

**Height Measurement:** Today, the UDC (Title 11) references Title 10 of Meridian City Code when addressing building height. While it is not staff's recommendation, an amended definition and exhibit(s) could be added to Title 11, Chapter 1 - Building Height Definition – More specificity regarding the building height of a structure, including similar exhibits as shown below. Ex. Building height shall be measured from the finished grade to the highest peak of the roof.



**Height Exemptions:** Title 11, Chapter 2 contains standards for all districts, residential, commercial, industrial and traditional. The City could remove and/or add to the list of height exemptions currently allowed. Today, maximum height limits do not apply to several listed architectural features, and appurtenances that require roof access to things like mechanical structures, provided they are not in excess of 20' above roofline. Steeples, spires, belfries, cupolas, domes, chimneys, parapets, elevator shafts, stair towers, ventilators, solar panels, wireless communication facilities, fire hose and bridge towers, or similar appurtenances not intended for human occupancy, are currently exempt from building height.

Code could be amended to:

- 1) remove all the exemptions from code and otherwise “cap” the height, including all appurtenances at the maximum height allowed in the zoning district, or,
- 2) clarify what architectural and/or mechanical equipment may be exempt from the height.

A) allow these architectural/mechanical exemptions to be reviewed and approved administratively, or,

B) require any request for a height exemption to be made and processed concurrent with a hearing level application. Detailed information, including the type, location, and dimensions of the feature(s), would need to be part of the application submittal. With this potential change (subsection B), the exemption(s) is discussed during a public hearing and documented in the Findings or a Development Agreement. Council may choose to grant the exemption at the hearing, continue the project for more information, or add a condition of approval that requires the elevations be reviewed and approved with a later application (CUP, PUD or MDA, all requiring

additional public hearing). If a building with “appurtenances” is proposed taller than code allows after entitlement is granted, code could be amended to address the need for a new public hearing.

**Planning Initiatives:**

Ensuring building heights and designs remain consistent through with the approved Findings and Development Agreements is an important priority and has been discussed with Planning staff. During public hearings, staff will place greater emphasis on calling out building elevations and heights, especially when they are close to maximums or have rooftop amenities. When elevations are approved through a CUP, PUD, or Development Agreement, substantially consistent language will be applied. If building forms, materials, or rooflines deviate significantly from what was approved, it may trigger the need for a new public hearing and further Council consideration. Staff has also been encouraged to convene the Design Professionals Committee for their recommendation if they question consistency with the design.

**Attachments: BCA Letter & BMP Recommendation Document**

8.22.2025

Mayor Simison  
City Council Members  
City of Meridian  
33 East Broadway Avenue  
Meridian, ID 83642

**Subject: Request for Adoption of Standard Dust Control Guidelines**

Dear Mayor Simison and Members of the City Council,

On behalf of the local development and construction community, we respectfully submit the attached Dust Control Best Practices Guidelines for your review and adoption. These guidelines have been prepared based on Idaho DEQ requirements (IDAPA 58.01.01.650-651) and long-standing industry practices.

We believe these guidelines strike the right balance between protecting public health and safety, ensuring roadway cleanliness, and providing clear and consistent expectations for contractors. Importantly, they also reduce unnecessary duplication by aligning directly with DEQ standards, rather than requiring individual dust control plans for each project.

We respectfully request that the City adopt a policy requiring this document to be distributed by City staff at all preconstruction meetings. Doing so will:

- Provide a consistent message to all contractors and developers;
- Reinforce the City's and the community's shared commitment to responsible construction practices;
- Eliminate confusion and inefficiency created by project-by-project dust control plans; and
- Demonstrate to the public that both the City and the development community are working collaboratively to minimize construction impacts.

We view this document as a proactive, practical solution that benefits the City, the community, and the industry alike. We sincerely appreciate your consideration of this request and look forward to partnering with you to implement this policy.

Thank you for your leadership and for your ongoing collaboration with our industry.

Respectfully submitted,

Signatures – Local Development & Construction Community

1. Jim Conger - W Conger Group
2. Laran Bailey - Derco
3. Darren Howard - TRESDOR
4. Tim Motwa Hayden
5. Phil Yates Hayden Homes
6. Zach Meyers Brighon
7. Ken Burgers - HBBA
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_



# Dust Control Best Practices Guidelines

*(Based on Idaho DEQ Standards and Industry Practices)*

---

## Purpose

To minimize dust emissions from construction activities, protect public health, and maintain safe and clean roadways. These guidelines are consistent with Idaho DEQ requirements (IDAPA 58.01.01.650–651) and reflect accepted industry practices.

---

## General Principles

- Take reasonable precautions to prevent dust from becoming airborne.
  - Apply dust controls proactively, especially during grading, hauling, or windy conditions.
  - Focus efforts on minimizing impacts to neighbors, public roads, and local businesses.
  - Recognize that developers have no direct control over Idaho Power joint trench contractors or third-party telecom providers installing facilities in public utility easements. Contractors are encouraged to coordinate with these entities whenever possible, but responsibility for dust generated during such utility work rests with the performing utility/contractor.
- 

## Best Practices

### Soil & Surface

- Use water trucks or hoses to wet dry, exposed soils.
- Apply tackifiers, mulch, or other stabilizers on disturbed or inactive areas.
- Phase grading work to limit the size of open, exposed areas.

### Traffic & Hauling

- Install rock pads or stabilized entrances to reduce track-out.
- Cover or wet haul trucks carrying loose material.
- Limit vehicle speeds on unpaved surfaces to 10–15 mph.
- Designate specific haul routes to avoid neighborhood impacts.

### Materials & Stockpiles

- Cover or stabilize stockpiles with vegetation, tackifiers, mulch, or tarps.

- Ensure all loads are properly covered to prevent spillage.

### **Roads & Streets**

- Use sweepers or vacuum sweepers to remove dirt and track-out from roadways.
- Clean up promptly at site exits and intersections.

### **Weather Response**

- Observe daily weather conditions; adjust activities during high winds ( $\approx 25$  mph or greater).
  - Pause or modify grading activities when dust cannot be adequately controlled.
- 

### **Prohibited Practices**

- Do not use dry sweeping or compressed air on paved surfaces.
  - Do not rely solely on after-the-fact cleanup—dust must be controlled proactively.
- 

### **Implementation**

- Keep a copy of these guidelines available on site.
  - Ensure all crews, subcontractors, and equipment operators are familiar with dust control practices.
- 

### **Resources**

- Idaho DEQ Dust Control Guidelines
  - Ada County Highway District Track-Out & Roadway Standards
  - City of Meridian Public Works Department
- 

### **Commitment Statement**

This document reflects the development community's commitment to align with DEQ standards and to proactively manage dust—while recognizing that developers cannot be held responsible for dust generated by utility or telecom contractors operating independently in public utility easements.