



Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Contact and Scope of Work for Land Development Code

REQUEST:

The Community Development department requests approved of a contract and scope of work for the Land Development Code.

Please place this item on the March 26, 2024, City Commission meeting agenda.

BACKGROUND INFORMATION:

The City of Bismarck has engaged Clarion Associates, SRF, and Madden Planning to provide consulting services for the Land Development Code, which will be conducted primarily between March 2024 and the end of 2025. The contract and associated scope of work are attached.

RECOMMENDED CITY COMMISSION ACTION:

Consider and take action on the contract and scope of work for the Land Development Code, as attached.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. Bismarck LDC Consultant Agreement
2. Bismarck LDC Scope of Work

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, effective as of the _____ day of _____, 2024, by and between the City of Bismarck, North Dakota, a Municipal Corporation (“City”), and Clarion Associates LLC, a Colorado Limited Liability Company doing business at 621 17th Street, Suite 2250, Denver, Colorado (“Clarion”).

WHEREAS, the City is undertaking certain activities necessary for the planning execution of a project referred to in this Agreement as the Bismarck Land Development Code; and

WHEREAS, the City desires to engage Clarion to render certain professional advice and assistance in connection with the City’s project:

NOW, THEREFORE, the parties listed above mutually agree as follows:

1. **Scope of Services.** Clarion agrees to provide services as described in Exhibit A attached to and incorporated into this agreement. The City agrees to provide supporting services to Clarion as described in Exhibit A.
2. **Time of Performance.** Clarion’s services shall begin on March __, 2024 and shall be expeditiously completed as shown in the Project Schedule attached as Exhibit A, but in any event all services required under this Agreement shall be completed on or before January 30, 2026. The time of performance may be extended by mutual agreement of the parties.
3. **Method of Payment and Total Project Amount.** The City shall compensate Clarion for its services in accordance with the Project Budget and Schedule set out in Exhibit A. It is expressly understood and agreed that in no event will the total compensation and reimbursement to be paid under this Agreement exceed the sum of \$244,915.00 for all services rendered. By mutual agreement, the City and Clarion may reallocate the budget among project tasks if the total budget amount remains unchanged. At least 20% of the total project budget will be retained by the City until the successful adoption of the Land Development Code is achieved.
4. **Insurance.** Consultant shall carry, for the period of the contract, Comprehensive General Liability Insurance (personal injury, bodily injury, and property damage to a combined single limit of \$2,000,000 for each occurrence and \$500,000 per person) and comply with worker’s compensation insurance and employer’s liability insurance as required under the laws of the State of North Dakota. The City of Bismarck must be listed as co-insured on these policies. Any and all sub-consultants must be similarly covered, either under their own or the general consultant’s liability insurance policy.
5. **General Terms and Conditions.**
 - A. **Termination of Agreement.** Either party shall have the right to terminate this Agreement, with or without cause, by providing at least 30 days’ written notice of termination to the other and specifying the effective date of the termination. If the City terminates the Agreement, all finished or unfinished documents, data,

studies, and reports prepared by Clarion pursuant to this Agreement shall become the City's property. Clarion shall be entitled to receive compensation in accordance with the Agreement for any satisfactory work completed pursuant to the terms of this Agreement prior to the date of termination.

- B. Changes. The City may, from time to time, request changes in the scope of services of Clarion to be performed under this Agreement. Such changes, including the increase or decrease in the amount of Clarion's compensation, that are mutually agreed upon between the City and Clarion, shall be in writing and upon execution shall become part of the Agreement.
- C. Assignability. Written permission from the City is required prior to any assignment of Clarion's duties under this Agreement; provided, however, that claims for money due or to become due Clarion from the City under this Agreement may be assigned to a bank, or other financial institution, without such approval. Notice of any such assignment or transfer shall be furnished to the City.
- D. Audit. The City or any of its duly authorized representatives shall have access to any books, documents, papers, and records of Clarion that are pertinent to Clarion's performance under this Agreement, for the purposes of making an audit, examination, or excerpts. Clarion shall maintain records for 3 years after contract ends.
- E. Ownership of Documents. Drawings, specifications, guidelines, and other documents prepared by Clarion in connection with this Agreement shall be the property of the City. However, Clarion shall have the right to use those documents for its marketing, professional presentations, and for other business purposes.
- F. Assignment of Copyrights. To the extent that any work is copyrighted for this Project, Clarion assigns to City the copyrights to all work prepared, developed, or created pursuant to this Agreement, including the right to: 1) reproduce the work; 2) prepare derivative works; 3) distribute copies to the public; 4) perform the works publicly; and 5) to display the work publicly. Clarion shall have right to use materials produced for this Agreement for marketing purposes and professional presentations, articles, speeches and other business purposes.
- G. Governing Law. This Agreement shall be governed by the laws of the State of North Dakota. Clarion shall also comply with all applicable state and federal laws and regulations and resolutions of the City and shall commit no trespass on any public or private property in the performance of any of the work under this Agreement.
- H. Subconsultants. Clarion shall have the right to use the firms listed as Subconsultants in Exhibit A to complete the approved scope of work. Other Subconsultants may be used if approved by the City.

- I. **Notices.** Any notice concerning the terms and conditions of this Agreement from Clarion to the City shall be in writing and delivered, either personally, by mail (postage prepaid), or via electronic transmission and shall be addressed as follows:

Daniel Nairn, Planning Manager
City of Bismarck
221 North 5th Street
Bismarck, ND 58501
(701) 355-1854
dnairn@bismarcknd.gov

Notices to Clarion from City shall be in writing and delivered, either personally, by mail (postage prepaid), or via electronic transmission and shall be addressed to:

Elizabeth Garvin, Director
Clarion Associates
621 17th Street, Suite 2250
Denver, CO 80293
Telephone number: (303) 830-2890
Cell number: (720) 601-7929
egarvin@clarionassociates.com

Notices shall be deemed effective upon delivery in the event of personal delivery, and after three (3) days when mailed, postage prepaid; if transmitted by electronic transmission, upon verified receipt of the electronic transmission. Either party may change its address in reference to notices by written notification to the other party.

6. **Indemnification.** Clarion shall indemnify and hold City harmless from and against and all claims, suits, or action made or asserted for any damage to person or property caused by the negligent errors or omissions by Clarion in connection with performance of Clarion's obligation under this Agreement.
7. **Independent Consultant.** Clarion is an independent consultant. Notwithstanding any provision appearing in this Agreement, all personnel assigned by Clarion to perform work under the terms of the Agreement shall be and remain at all times, employees of Clarion for all purposes. Clarion, its agents and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees of City. It is acknowledged by Clarion that the City has no responsibility for any of the following:
 - A. Withholding of income taxes;
 - B. Provision of insurance coverage;
 - C. Accumulation of sick or vacation leave; or
 - D. Unemployment compensation coverage.
8. **Extent of Agreement.** This Agreement represents the entire and integrated agreement between the City and Clarion and supersedes all prior negotiations, representations, or

agreement, either written or oral. This Agreement may be amended only by written agreement signed by both the City and Clarion.

9. **Mediation and Arbitration.** Any disputes arising out of this Agreement shall be subject to arbitration. As a pre-condition to the filing of any such arbitration, all claims, disputes, and other matters in question between the parties to this Agreement arising out of or relating to this Agreement concerning a breach thereof, shall first be submitted to non-binding mediation prior to initiation of any arbitration unless the parties mutually agree otherwise. The cost of mediation shall be split equally between the parties. The parties agree that any disputes concerning the terms and conditions of this Agreement that cannot be resolved after consultation and discussion between the parties or by mediation shall be submitted and finally settled by arbitration. Any arbitration shall be conducted under the rules of the American Arbitration Association. This agreement to mediate then arbitrate if needed shall be specifically enforceable under the prevailing laws of the State of North Dakota.

10. **Severability.** If any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this agreement shall remain valid and binding upon the parties hereto.

CITY OF BISMARCK, ND

BY: _____
Michael Schmitz

Title: Mayor

Date: _____

CLARION ASSOCIATES LLC

BY: _____

Title: Director

Date: _____

Exhibit A: Bismarck Land Development Code Scope, Schedule, and Budget

Exhibit A: Bismarck Land Development Code

Scope, Schedule, and Budget

This section summarizes the scope of work and deliverables we propose for the New Bismarck Land Development Code.

It takes the whole community to draft a new code. We reference different participant groups throughout this Project Approach. They include:

- **Bismarck LDC Team (LDC Team)** – City Project Manager and core staff project leadership; responsible for project management.
- **Technical Advisory Committee (TAC)** – group including representatives from all code-using departments; will review and vet the LDC Technical Draft.
- **Steering Committee (SC)** – group comprised of community representatives from across Together 2045’s elements and the City’s partners in planning as well as frequent code users and the development community; intended to reflect a range of perspectives in Bismarck.
- **LDC Partners (LDCP)** – stakeholders from the development and real estate sector convened to provide input about the impact of potential LDC changes on preferred development patterns.
- **Community Meetings** – focus group and open house meetings for input and feedback about the new LDC.

The project will follow the timelines identified in these two graphics. Aside from final adoption, these dates are subject to change based on overall project priorities and without formal amendment to the project Agreement.

PROJECT DRAFTING OVERVIEW

1	2	3	4	5
Project Kickoff	LDC Issues Assessment	Technical Draft LDC	LDC Adoption Process	LDC Implementation
March-May 2024	June-November 2024	Dec 2024-August 2025	Sept-November 2025	Through 2026
Project Orientation	Issues Identification	Districts & Uses	Public Review LDC	Training
Public Involvement Plan	Character Analysis	Development Standards	Revised LDC to Adoption	Monitoring Implementation
Character Analysis		Administration & Procedures	Final LDC	On-going Support & Troubleshooting
		Full LDC		

BISMARCK, NORTH DAKOTA | ADOPTION OF NEW LAND DEVELOPMENT CODE

PROJECT OUTREACH OVERVIEW



BISMARCK, NORTH DAKOTA | ADOPTION OF NEW LAND DEVELOPMENT CODE

TASK 1: PROJECT STARTUP

RFP SCOPE TASKS 1, 2, AND 8.

This task is designed to establish and set in motion the processes and conversations that will lay the foundation for the success of the project.

1.1: PROJECT MANAGEMENT MEETING

An initial kick-off meeting will be held virtually with Bismarck staff and leadership to confirm project roles and responsibilities, gather background data and information, and establish an agenda and dates for the initial round of orientation meetings. Specific topics will include:

Public Involvement Plan

In contrast to comprehensive planning projects, code updates often involve detailed technical discussions. It takes skill and timing to present complex materials in an engaging and understandable way, and to avoid “technical topic burnout.” We prepare a public involvement plan (PIP) for each code update project to detail who should be involved and how we can reach them for each project task. It will be important to build on the City’s success with Together 2045 and we anticipate discussing how to make further use of the focus group approach. While we have not specified which of our team members will attend the different meetings in this proposal, we will do so in the PIP. Our public involvement will meet or exceed the requirements identified in the RFP, including:

- A minimum of 8 Steering Committee meetings, with at least 2 lead by the Project Manager;

- In-person and virtual public meetings during at least 2 stages of the process;
- Creating, hosting, and regularly updating the project website; and
- Creating, maintaining, and periodically submitting a summary of public participation activities and input.

We will share our proposed Bismarck PIP in the first project management meeting and schedule time to rethink and revise the PIP as the project progresses.

Ongoing Project Management

Effective project management is an essential component of getting to adoption. Our team has a track record of completing projects on time and within budget. We know that getting to the finish line requires communication with our clients throughout the project and the ability to make purposeful scheduling and drafting adjustments when necessary. We will schedule a twice-monthly status call with the Bismarck Project Team.

Document Collection

We will start our internal work with a deep dive into recent policy and planning projects to familiarize ourselves with community goals and perspectives. Our experience working on more than 180 zoning code projects allows us to quickly come up to speed on land use issues and identify the regulatory issues and patterns that we will explore further through early project conversations.

1.2: ORIENTATION MEETINGS

We will start the project content work with a series of live and virtual project orientation meetings with City staff from all departments that interact with the LDC (including Community Development, Engineering, Public Works, Police, Fire, and others as identified by the City's project manager) and Bismarck's elected and appointed officials. Topics will include overall project goals, scope and schedule, ongoing City activities that may impact the Land Development Code rewrite, initial strategies for public involvement, and key issues for the new LDC. Members of our consultant team will be on-site for three days to participate in orientation meetings. The remaining orientation meetings will be scheduled over a two-to three-week period to accommodate the schedules of the various participants. We will also assemble the orientation call questions into an initial staff survey to provide an opportunity for individuals who could not make the meetings to offer their thoughts and feedback on the new LDC.

In-person meeting and survey responses will be summarized into an orientation meeting summary that highlights common themes as well as more detailed issues and opportunities that emerged from the conversations and feedback.

Following the initial orientation meetings, drafting review tasks will be reviewed by the Technical Advisory Committee and we will update the City Commission and Planning & Zoning Commission about project progress at key milestones.

1.3: COMMUNITY CHARACTER ANALYSIS

Led by Mary Madden, we will prepare an initial community character analysis that we will use to help ground the new LDC in existing conditions and start a conversation about future

transformations to development patterns. Exploring and identifying the range of community character types (e.g., early plats and historic areas, compact traditional neighborhoods, post-war suburbs, and the urban/rural interface) is important to drafting form-based code districts and tailoring development standards such as landscaping or infill standards to match surrounding or proposed development.

In addition to gathering information from our team member SRF, we anticipate coordinating with staff to organize a community tour of Bismarck to explore and discuss projects and places that are working as well as those that are not. This tour will assist with the character analysis and identification of areas in the city where form-based development standards might be considered. In our experience, form districts are best applied where the framework of traditional urban form (interconnected streets and blocks) already exists and compatible infill and redevelopment is desired; or, there is a clear vision and physical master plan for transformative redevelopment of a large area such as a dying mall or aging auto corridor. Conventional zoning tools continue to work quite well for stable neighborhoods, commercial shopping centers and office districts, and apartment complexes, where no substantial change is anticipated under Together 2045.

Deliverables

Documents in all Tasks will be provided in the following formats:

- -Microsoft Word
- -Microsoft Excel as necessary
- -Illustrations shall be provided in an editable format in either Adobe Creative Suite or SketchUp software at the end of the project.

Task 1 Deliverables

- Initial and detailed Public Involvement Plan (iterative document)
- Project schedule (iterative document)
- Orientation meeting invitations and agendas
- Project website
- Preliminary draft Bismarck Character Analysis

TASK 2: TITLE 14 ISSUE ASSESSMENT

RFP SCOPE TASKS 1, 2, 3, AND 4.

Building on information gathered during the project startup tasks, we will prepare a detailed assessment of the current development regulations covering four topics:

- Current Title 14 content analysis and recommendations,
- Community character analysis for the purposes of both form-based regulations and tailored development standards,
- Potential changes or adjustments to existing zoning designations; and
- Options and recommendations for the new LDC's organizing concept.

2.1: TITLE 14 ISSUES ASSESSMENT COMPONENTS: STAFF REVIEW DRAFT

The Title 14 Issues Assessment will include four components that address the following:

Project Scope and Formatting Memo. The Project Scope and Formatting Memo will propose an outline of which topics in the current Title 14 should be included or not within the Land Development Code, and whether any new topics should be added. It will also identify best practices for formatting, codification, and enhancing usability of the Land Development Code.

Current Title 14 Analysis. The Current Title 14 Analysis will incorporate the Blue Zone and AARP review and address the following topics as needed:

1. How the current regulations respond to the community objectives identified in Together 2045 and other relevant plans as well as the issues raised in the Task 1 orientation meetings,
2. Conceptual options for updates to the standards or procedures to better meet the City's development goals;
3. Whether the current zoning districts are anticipated to implement Together 2045 and, if not, drafting options and locations in the City where they could be improved; and
4. Where one or more approaches may work for a particular regulatory issue in Bismarck, identification of which options the City should consider and what rationale supports any recommended approach(es).

Character Analysis. We will incorporate the Task 1.3 Character Analysis into the Title 14 Issues Assessment to use as a framework for discussing areas of the city where tailored regulations could best address future development. We anticipate this will include exploration of areas where form-based or form-oriented standards can help the community achieve specific development scale and form goals.

Organizing Concept. There are multiple organizing concepts or platforms to use for basic code organization (e.g., Euclidean (conventional), form-based, performance standards, negotiated). We think that the purpose of the LDC's organization is to be of service to the City and LDC users – so creating a user-friendly code is a priority regardless of the organizing concept. Following the RFP request, we will create a visually oriented summary of the various ways of organizing a code and drafting different segments of content to include in the Title 14 Issue Assessment for staff

review and discussion. While we are in Bismarck for project outreach meetings, we'll discuss organizing options with staff and settle on a consensus approach. With this information in place, we will create a summary of the formatting, styles, and graphics types that will be used in the drafting process.

Staff Review Draft. The purpose of Title 14 Issues Assessment first draft is to allow staff to review and provide substantive feedback on the report. Following staff preparation of one round of written comments, we will revise the Title 14 Issues Assessment and prepare for the outreach meetings.

2.2: TITLE 14 ISSUES ASSESSMENT - PUBLIC REVIEW AND ELECTED OFFICIAL UPDATE

We prepare only one public version of an issues assessment. Spending time “perfecting” the issues assessment delays the start of substantive drafting, where additional issues arise despite any extra work on the issues assessment. To document additional changes and ideas, we will add on the Title 14 Issues Assessment with summaries from the outreach meetings.

We will work with the LDC Project Team to schedule general public meetings (according to the Public Involvement Plan) to discuss the Title 14 Issues Assessment and collect comments. We will summarize the feedback from the public outreach meetings and present a summary of the Issues Assessment to the Steering Committee for feedback, followed by project update presentations to the Planning and Zoning Commission and City Commission.

TASK DELIVERABLES

- Staff draft Title 14 Issues Assessment
- Revised Title 14 Issues Assessment
- Presentation materials as necessary (PowerPoints, handouts, boards)

TASK 3: PREPARE DRAFT LDC

RFP SCOPE TASKS 1, 5, AND 6.

With the Title 14 Issues Assessment and comment process completed, and decisions made on code organization, we'll start drafting the new LDC. Over our 30 years of code drafting, we've typically drafted a new code in three installments and collected City and public review with each installment. This works well when the process primarily involves people who are familiar with both the existing code and the development process. Over the past five to 10 years, however, we've noticed an increase in general public and interest group (e.g., bicyclists, neighborhood organizations, and homebuilders) involvement, and find that these project participants can experience frustration waiting for their topic to come up in a long drafting process. To keep the process accessible to all, we are evolving our drafting approach. For the new Bismarck LDC, we propose creating a full technical draft during the first half of the project and doing outreach for a full public review draft during the second half of the project.

3.1: TECHNICAL DRAFT LDC

Following completion of the LDC Issues Assessment, Clarion will begin working on the new draft Land Development Code according to the content, sequencing, and formatting identified through the LDC Issues Assessment process. The updated LDC will include the agreed-upon substantive elements and emphasize the use of graphics, tables, and charts to explain zoning and land use concepts, instead of voluminous text. Areas that will benefit from illustrations will be noted (though actual illustrations may not be finalized until language is refined in later drafts). Where there are multiple potential options for addressing specific issues, we will make recommendations in the draft regarding which approach is likely to be most functional for the City and follow-up with review and discussion to ensure the LDC reflects the approach that works best for Bismarck.

The updated LDC will likely include a substantial amount of new information, presented in a new format. To make the review process more manageable for staff we recommend dividing the drafting into three manageable installments based on related material. Each installment will include commentary and footnotes to explain changes in regulations and practice and the rationale behind each new provision. The commentary and footnotes will also demonstrate how the revised code addresses the issues noted in the LDC Issues Assessment.

Drafting Organization

Installment 1 – Districts and Uses. This installment focuses on updating the current lineup of zoning districts to align with relevant City plans and policies. Clarion will work closely with City staff to recommend changes and review proposed updates that ensure that zoning district line-up implements the City's growth and development goals and policies, particularly with respect to mixed-use development and encouraging infill/redevelopment. Updates to the use regulations will also be included in this installment. This work includes revisiting the categories, specific use types, review type (e.g., permitted use, special use) and use-specific standards for clarity, relevance (do the standards reflect how this use is developed now?), and potential for approval process

streamlining.

Installment 2 – Development Standards. This installment focuses on the development quality standards, such as building and design, infrastructure use and improvements, landscaping, low impact development, access and circulation, sensitive area protection, and exterior lighting. Context-sensitive design standards for infill and redevelopment will be considered with the development standards and will be integrated and reconciled with any standards drafted during the zoning districts installment. The development standards are often the most complex part of a Land Development Code because of the breadth of standards and their relationship to standards that often live outside the code (such as street standards and other engineering standards). We will work with staff to identify the appropriate location for and potential integration of standards within and outside the Land Development Code.

Installment 3 – Administration and Procedures. This installment focuses on streamlining the current procedures for development review applications. Our whole team understands the need for clear, effective procedures and we are experienced in establishing procedures that are easy to understand, are based on a consistent and predictable foundation, and apply objective approval criteria--while offering flexibility where appropriate. This installment will also include the general provisions of the Land Development Code, which contain important elements to ensure the new code functions effectively (e.g., legal authority to regulate Land Development, relationship to other codes, nonconformities, and enforcement of the code).

Ordinance Visualizations

As we prepare the Technical Draft LDC, we will also create visualizations of dimensional, design, or spatially related requirements, either for direct incorporation into the Land Development Code or a separate guidance document, as determined across the drafting process. The illustrations will be clear and simple, employing a consistent graphic design style throughout.

Drafting Sequence

We will prepare the technical draft iteratively, first sharing all of the content for the current installment with the TAC and LDC Team. We will schedule 90-minute to two-hour monthly TAC meetings to discuss the proposed content. When a full installment has been reviewed by the TAC, we will work with the LDC Team to identify appropriate updates, edit as needed, post the draft to the project website for passive community review (specific engagement activities are identified in Task 3.2), and keep a list of issues for community or policy-maker discussion. As we move into the second and third installments, we will maintain this review schedule and add the new installments to a consolidated draft that includes the content from the earlier installments. We will also incorporate notes or comments from Task 3.2, Community Engagement. At the completion of the consolidated technical draft, we will work with the LDC Team to determine whether any additional review is needed before sharing the draft with the community.

3.2: TECHNICAL DRAFT LDC - COMMUNITY ENGAGEMENT

While we are working with the TAC and LDC Team to prepare the full public draft of the new LDC, we will also be reaching out to the community to gather

information to help us draft a new LDC that is unique to Bismarck, not an adjusted version of a code from a different community. We have had success with community-based outreach using some of the following exercises:

- Meeting-in-a-Box activity (live and online) to explore how neighborhoods and individuals see what is important to keep or change;
- StoryMap to explain existing zoning and to gather feedback about potential zoning changes; and
- Project fact sheets and surveys to educate about density and housing choices and start a community-wide discussion about anticipating change.

Working with the LDC Team, we will make some preliminary choices about this round of outreach as we finalize the Public Involvement Plan. Each round of outreach will be started with a set of in-person meetings, and the consultant team will also meet with the Steering Committee to provide project updates and discuss the role of community outreach activities.

We will organize the comments received from the Steering Committee, Planning and Zoning Commission, City Commission, and the public to review with the LDC Team. Our goal will be to identify any additional edits that need to be made to the Technical Draft.

Task Deliverables

- Staff draft LDC Installments 1, 2, 3, and full code
- TAC meetings agendas and facilitation materials
- LDC Installment revisions per LDC Team instructions
- Community outreach meeting agendas and materials (PowerPoint, handouts, boards)
- Community engagement summary memo

TASK 4: PUBLIC REVIEW DRAFT LDC

RFP SCOPE TASKS 1, 5, AND 6.

When the Technical Draft review process and editing is complete, we will move into the Public Review Draft phase of the project.

4.1: PUBLIC REVIEW DRAFT LDC - COMMUNITY ENGAGEMENT

The public review draft will be posted on the project website for comment. We use a document engagement tool from Konveio (www.konveio.com) that allows review and interactive comment on a PDF version of the document.

While the public review draft is open for review, we will facilitate three live and online learning sessions about the various contents of the LDC. Each of the learning sessions will be recorded and posted on the project website for later viewing. Concurrently with the live learning sessions, we will facilitate a Steering Committee discussion of those chapters of the draft to help identify issues and potential changes identified by the Steering Committee. We also anticipate providing two project updates to the Planning and Zoning Commission and City Council in this timeframe.

4.2: ADOPTION DRAFT LDC

We will organize the comments received from the Steering Committee, Planning and Zoning Commission, City Commission, and the general public for a discussion with the LDC Team about which revisions to incorporate in the Adoption Draft Land Development Code. As with the Technical Draft and Public Review Draft, we will first prepare an LDC Team review draft of the Adoption Draft Land Development Code.

After one round of consolidated feedback on the LDC Team draft, we will prepare the Adoption Draft to be carried forward into the adoption process. This draft will include final versions of illustrations, charts, tables, and revised text and will address any outstanding issues noted in earlier tasks.

Task Deliverables

- Adoption draft Land Development Code
- Categorized community engagement comments

TASK 5: ADOPTION PROCESS AND NEW LDC IMPLEMENTATION

RFP SCOPE TASKS 7 AND 9.

5.1: ADOPTION MEETING SUPPORT AND PRESENTATIONS

Following posting and distribution of the adoption draft, we will be responsible for attendance at and presentation to the Planning and Zoning Commission and City Commission for adoption of the Land Development Code. As needed, we will also support the LDC Team with supplementary materials or revised ordinance language.

5.2: BISMARCK LAND DEVELOPMENT CODE

Clarion will prepare a final adopted version of the new Bismarck Land Development Code based on comments and direction from the public hearings on the adoption draft. This final version will be prepared in the format identified in Organizing Concept discussions.

5.3: IMPLEMENTATION SUPPORT

LDC implementation support will start with the completion of the Technical Draft and continue through the first full year of LDC implementation. We agree that putting a new code in place is critical to achieving the intended outcomes and we will provide resources to assist staff with implementation of the updated LDC. As part of the PIP, we will work with the LDC Team to determine what types of resources would be most beneficial as the process progresses. Examples of the types of resources we have provided previous clients include the preparation of administrative manuals, procedural checklists for development review, training in Microsoft Word styles (to assist in maintaining the numbered outline format of the document as it is amended over time), crosswalks between old and new regulations, and training sessions to familiarize staff and developers with the updated LDC.

Task Deliverables

- Final version of the Land Development Code
- Implementation support materials as determined in conjunction with City Project Manager

TIMELINE

Based on our experience, we believe a 24-month engagement period resulting in adoption is realistic for the proposed scope of work (though the actual adoption date depends on political factors and thus can be somewhat unpredictable). We outlined a process in this proposal that we believe works and that results in a draft code that has been through numerous public meetings within approximately 20 months, which then would move into the final adoption process (which often we find can be a formality if prior meetings have been well-attended, informative, and productive). We summarized our proposed schedule in the table below.

2024 ¹		DRAFTING ACTIVITIES		OUTREACH	
TASK 1 <u>PROJECT START-UP</u> Refine Public Involvement Plan (PIP), draft Character Analysis	Mar				Community Welcome Open house and virtual meetings introducing the New LDC Project, Character Analysis
	Apr				
	May				
TASK 2 <u>LDC ISSUE ASSESSMENT</u> Prepare updated and reorganized LDC; identify issues for community and stakeholder input	Jun				Neighborhood Meeting in a Box Live and online self-guided exercise exploring key neighborhood traits, designed for use at a neighborhood meeting
	Jul				
	Aug				Infrastructure and Density Mapping Live and online introduction to StoryMap exercise focused on opportunities for redevelopment and adaptive reuse
	Sep				
	Oct				
	Nov				
TASK 3 <u>PREPARE DRAFT LAND DEVELOPMENT CODE</u>	Dec				No Outreach Consultant team and Staff prepare Public Review Draft LDC
	Jan				
2025					
TASK 4 <u>PUBLIC REVIEW DRAFT LDC</u>	Feb				Learning Sessions: <ul style="list-style-type: none"> • Zone Districts and Uses • Development Standards • Administration and Procedures <i>Live and online overview of topic followed by Q&A</i>
	Mar				
	Apr				
	May				
	Jun				
	Jul				
	Aug				
TASK 5 <u>ADOPTION PROCESS AND NEW LDC IMPLEMENTATION</u>	Sep				No Outreach Consultant team and Staff prepare Adoption Version LDC LDC Adoption per ND Statutory Schedule
	Oct				
	Nov				

¹ Aside from final adoption, these dates are subject to change based on overall project priorities and without formal amendment to the Project Agreement.

BUDGET

The project budget includes all professional fees and expenses, as well as all costs for preparing materials for the meetings identified in the scope. Fee amounts may be moved from one task to another through discussion with the City's Project Manager without formal amendment to the Project Agreement.

Bismarck, North Dakota New Land Development Code				
Task	Clarion	SRF	Madden	Total
Task 1: Project Startup				
1.1 Project Management Meeting	9	3	1	13
1.2 Orientation Meetings	24	16	8	48
1.3 Community Character Analysis	17	0	20	37
Phase 1: Total Hours	50	19	29	98
Phase 1: Total Labor	\$6,190	\$3,545	\$5,800	\$15,535
Person trips	1	0	1	2
Phase 1: Total Travel	\$1,000	\$0	\$1,000	\$2,000
Phase 1: TOTAL	\$7,190	\$3,545	\$6,800	\$17,535
Task 2: LDC Issues Assessment				
2.1 Staff Review Draft	72	20	20	112
2.2 Public Review Draft and Elected Officials Update	70	24	8	102
Project Management/Coordination meetings w/staff	14	6	6	26
Phase 2: Total Hours	156	50	34	240
Phase 2: Total Labor	\$0	\$9,500	\$6,800	\$16,300
Person trips	2	0	0	2
Phase 2: Total Travel	\$2,000	\$0	\$0	\$2,000
Phase 2: TOTAL	\$21,540	\$9,500	\$6,800	\$37,840
Task 3: Technical Draft LDC				
3.1 Staff and TAC Review Draft	390	60	60	510
3.2 Community Engagement	120	24	20	164
Project Management/Coordination meetings w/staff	14	6	6	26
Phase 3: Total Hours	524	90	86	700
Phase 3: Total Labor	\$62,730	\$16,970	\$17,200	\$96,900
Person trips	3	0	1	4
Phase 3: Total Travel	\$3,000	\$0	\$1,000	\$4,000
Phase 3: TOTAL	\$65,730	\$16,970	\$18,200	\$100,900
Task 4: Public Review Draft LDC				
4.1 Community Engagement	100	40	16	156
4.2 Adoption Draft LDC	100	20	10	130
Project Management/Coordination meetings w/staff	20	6	2	28
Phase 4: Total Hours	220	66	28	314
Phase 4: Total Labor	\$28,060	\$12,540	\$5,600	\$46,200
Person trips	3	0	1	\$4
Phase 4: Total Travel	\$3,000	\$0	\$1,000	\$4,000
Phase 4: Total	\$31,060	\$12,540	\$6,600	\$50,200
Task 5: Adoption Process and New LDC Implementation				
5.1 Adoption Meeting(s) Support and Presentations	64	30	4	192
5.2 Bismarck Land Development Code	50	10	10	130
5.3 Implementation Support	46	0	0	92
Phase 5: Total Hours	160	40	14	414
Phase 5: Total Labor	\$20,540	\$7,600	\$2,800	\$59,080
Person trips	3	0	0	6
Phase 5: Total Travel	\$3,000	\$0	\$0	\$6,000
Phase 5: Total	\$23,540	\$7,600	\$2,800	\$65,080
Project Total Hours	1110	265	191	2941
Project Total Labor	\$137,060	\$50,155	\$38,200	\$225,415
Project Total Person Trips	12	0	3	15
Total Travel Expenses	\$12,000	\$0	\$3,000	\$15,000
Online Engagement (Konvelo license - 2 years)				\$4,500
Total Fees: Labor and Expenses	\$149,060	\$50,155	\$41,200	\$244,915