



**THE RESORT MUNICIPALITY OF WHISTLER
COUNCIL POLICY**

POLICY NUMBER: G-09

DATE OF RESOLUTION: MAY 29, 2000

AMENDED ON: OCTOBER 19, 2010

LANDSCAPE SECURITY FOR DEVELOPMENT PERMIT

1.0 Purpose

To regulate the type and amount of Security provided to the Municipality as part of the requirements for Development Permit, the partial release of Security related to deficient work, and the release of Security after the end of the Maintenance Period.

2.0 Interpretation

“General Manager” means the General Manager of Community Life or the General Manager of Resort Experience as the case may be, and includes any person holding such a position whether or not the title is changed, any duly appointed deputy of the General Manager, any person duly appointed to act in the position of General Manager, and any person the General Manager may in writing designate to perform that function in his/her absence or while he/she is otherwise unable to act.

3.0 Scope of Hard and Soft Landscape Works

As a requirement of Development Permit, the Landscape Architect or Landscape Contractor is required to submit a cost estimate of all hard and soft Landscape Works for Municipal approval. Landscape Works shall be in accordance with current BCSLA/BCLNA British Columbia Landscape Standards. Cost estimate must be in a detailed unit price and quantity format. The estimated cost of Works to be carried out by the Owner should include, but is not limited to:

- 2.1 Landscape grading and minor grade changes;
- 2.2 Growing medium supply and placement;
- 2.3 Supply and installation of automatic irrigation system;
- 2.4 Supply and installation of plant material; and
- 2.5 Supply and installation of landscape paving.

4.0 Form of Security

The Security shall be 135% of the approved cost estimate, in the form of an Irrevocable Letter of Credit, Certified Cheque, or cash to the approval of the Municipal Treasurer. The Letter of Credit shall include a description of the property, the Development Permit Application Number, and the extent of Works involved under the Letter of Credit (i.e. hard and soft Landscape Works).

5.0 General Manager Discretion

If the approved cost estimate is valued at \$25,000.00 or less, the General Manager, at his/her discretion, may waive the security requirement.

6.0 Term of Security

Securities in the form of Irrevocable Letters of Credit shall include an automatic renewal clause.

7.0 Works to be Assumed by the Municipality

Any Works to be assumed by the Municipality after construction is subject to review and approval by Municipal staff or designate before and during construction. Review of construction documents is required prior to the commencement of the Work. During construction, all aspects of the installation are to be monitored, as seen fit, to ensure proper installation. Owner must submit a construction schedule, itemizing the times for the required inspections. No work shall be covered up or put out of view without the approval of Municipal staff. The Owner shall afford full opportunity for the examination and measurement of any work which is about to be covered up and to examine foundations before permanent work is placed thereon. The Owner shall give minimum forty-eight (48) hour advance notice to Municipal staff whenever any such work or foundation is ready for examination and such inspection shall be carried out promptly. The Owner shall uncover any part or parts of the Works as the Municipal staff may direct and shall reinstate and make good such part or parts to the satisfaction of Municipal staff. As-built drawings of the completed Works are to be provided to the Municipality.

8.0 Substantial Completion

Upon Substantial Completion (80% of dollar value) or greater, the Landscape Architect shall notify the Planning Department, in writing, with a summary of deficiencies, associated estimated costs to complete, and confirmation that the project has reached Substantial Completion. Accompanying the notice, a test report from a suitable laboratory, which analyzes the growing medium delivered to the site is required. The report shall name the project and site conditions of where the growing medium is used. On receipt of Substantial Completion notice, Municipal staff shall then inspect the works to verify the extent of completed Works. If necessary, a list of deficiencies to be rectified will be issued. These deficiencies may or may not comply with the Landscape Architect's summary.

9.0 Inspection Season

Inspection season shall be from May 1 to November 1. Written notification of Substantial Completion must occur at least three (3) weeks before the end of the inspection season.

10.0 Deficiency Holdback

The Irrevocable Letter of Credit, Certified Cheque, or cash amount will secure any deficiencies or uncompleted Work. Municipal staff will determine the estimated cost of all deficiencies and 200% of this amount will be held.

11.0 Maintenance Period

Upon notification of 100% completion, the Municipality will conduct a second inspection. If all deficiencies have been rectified, ninety percent (90%) of the original Landscape Security will be released. Ten percent (10%) of the original Landscape Security, to a minimum of \$1,000.00, will be

held for a period of one (1) year from the date Substantial Completion was verified, as a maintenance holdback. During the maintenance period, the Owner is responsible for establishment maintenance, ensuring the project is in the same condition as at Substantial Completion verification, and correcting any functional flaws in the Works. At the end of the maintenance period the Municipality will conduct a third inspection, identifying any maintenance deficiencies. If necessary, a list of deficiencies will be issued. A cost estimate of all deficiencies will be determined and 200% of this amount will be held. After the maintenance deficiencies have been rectified, the Municipality shall be notified and will conduct a fourth inspection. If all deficiencies have been rectified, the remaining Landscape Security will be released.

12.0 Security Draw Down

Once any list of deficiencies is issued by the Municipality, the Owner has one (1) year to rectify deficiencies and give notice that work is complete. If notification is not received within one (1) year the Municipality may draw down the Security in order to complete the Works.

13.0 Additional Inspections

If more than four (4) Municipal inspections are required (due to unsatisfactory rectification of deficiencies), the cost for each additional inspection is \$250.00, and will be invoiced to the Owner. Additional inspection costs will be secured with the Security.

Certified Correct:

Shannon Story
Corporate Officer