



Regional Planning Commission Meeting Agenda
April 9, 2026
Alan King Justice Complex – Court Room

- I. Call to Order / Determination of a Quorum
- II. Approval of the Minutes
- III. Public Comment – Anyone wishing to address the commission may do so at this time. Speakers must sign in, come forward when called, state their name, and address, and limit their address to 2 minutes.
- IV. Old Business
 - A. Time Permitting - Please review the Proposed guidelines and be prepared to vote on the amendments.
- V. New Business
 - A. Wellhead Protection – Presentation and Discussion
 - B. Floodplain Provision – Text Amendment announcement
 - C. Any properly presented New Business.
- VI. Building Official's Report - Slum Clearance, Administrative Reviews, Building Permits
- VII. Surety Report – No active sureties to report
- VIII. Other Business - STaR Award Submission
- IX. Adjournment

Our next meeting is scheduled for May 14, 2026



MEMORANDUM

TO: The Haywood Regional Planning Commission
FROM: Thomas H. Skehan, AICP – Staff Planner
DATE: April 1, 2026
SUBJECT: STAFF MEMO FOR APRIL 9, 2026, MEETING

OD BUSINESS

Please review the following and be prepared to discuss and possibly vote on the proposed amendments.

Proposed Text Amendments for Subdivision Regulation and Zoning Resolution – Sureties, Substantial Compliance, Rational Nexus

After attending the 2025 Fall Planning Conference in Franklin, the staff planner proposes that the commission consider the following amendments to the Haywood County Subdivision Regulations:

SUBDIVISION REGULATION AMEMDMENTS

- 1) Add definition - **Bond**: An instrument with a sum of money fixed as a penalty, binding the party(s) to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance and maintenance by one or more of the parties of certain acts. As used in these regulations, the term bond may include a variety of financial instruments including performance bonds, letters-of-credit, escrow accounts and similar sureties. Such surety instruments shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations.
- 2) Add definition – **Surety**: a financial guarantee provided by a developer or landowner to a municipality or local government. It ensures that required improvements to a property, such as roads, sewers, sidewalks, and landscaping, will be completed to the required standards. Sureties involve three parties, the developer, Haywood County (oblige) and the bonding company. The only sureties accepted by Haywood County are bonds, cash, certified checks and irrevocable letter of credit. A surety is

required for all uninstalled public improvements.

- 3) Add definition – **Substantial Compliance** - Substantial compliance means that an application includes all required documents, plans, and forms, and that each submission is complete, accurate, and conforms to Haywood County’s Zoning Resolution, subdivision provisions, and all applicable general regulations. The application must demonstrate that the proposed plan meets the intent and substantive requirements of all applicable codes, even if minor, technical, or non-material errors or omissions are present.
- 4) Add to Article I D Conveyance of Property - Per Public Chapter No. 178 (April 11, 2025) – The description of real property contained within a deed of conveyance of a property not previously described in a recorded instrument must be prepared by a land surveyor, as defined in TCA § 62-18-101. This section does not apply to any deed of conveyance by or for a government department or agency.
- 5) Add the following to Article II 5 Complete Application - To be deemed a complete application, an applicant must:
 - a. Fill in or mark every appropriate line item.
 - b. Include all documents, plans, and forms as required by the County’s application checklist and development procedures manual.
 - c. Pay the fee associated with the application.
- 6) Add the following to Article II 6. Substantial Compliance - To be deemed substantially compliant, an application must:
 - 1) Include all documents, plans, and forms as required by the County’s application checklist and development procedures manual.
 - 2) Ensure that all submissions are internally consistent, to scale, and legible.\
 - 3) Demonstrate general conformity with:
 - a. The Zoning Ordinance (e.g., lot size, density, use, setbacks),
 - b. The Subdivision Regulations (e.g., block length, access, easements),
 - c. All relevant building codes, engineering standards, utility requirements, and design criteria.
 - 4) Address any public health, safety, and welfare concerns associated with the proposed development.
 - 5) Include any supporting studies or documentation (e.g., traffic impact analysis, drainage reports, utility availability letters) as applicable or required.

Substantial compliance does not preclude future minor amendments, but the application must clearly demonstrate intent to fully comply with all mandatory provisions and not contain any material defects that would:

- 1) Preclude meaningful review by city staff or approving authorities,
- 2) Result in nonconformance with adopted plans or ordinances, or
- 3) Compromise the public interest or administrative integrity of the approval process.

The County shall maintain and publish a current list of required documents, forms, and plan types necessary for a complete subdivision application and building permit application. Applicants are responsible for verifying and including all required components before submission.

6) Add the following to Article IV B 3:

GENERAL REQUIREMENTS FOR SUBMITTING A SURETY

1. Per TCA 12-4-201, a surety shall be in the form of cash, certified check, or Irrevocable Letter of Credit.
2. All Irrevocable Letters of Credit submitted to the City must either be payable at a local financial institution within a 50-mile radius of Haywood County or specifically state the Letter of Credit can be drawn upon by certified mail.
3. The surety shall name Haywood County as obligee, shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency of surety, and manner of execution.
4. All Irrevocable Letters of Credit shall be issued for such time as the Planning Commission deems necessary for the completion of the improvements enumerated in the first paragraph of this section, but shall in no event exceed one year and must contain automatic renewal provisions, in language satisfactory to the County Attorney, that provide for automatic renewal of the Irrevocable Letter of Credit unless the County is provided at least sixty days' notice of non-renewal by the issuer of said Irrevocable Letter of Credit.
5. Upon proof of difficulty, the developer may petition the County for an extension of time for completion of improvements. The Planning Commission may, upon proof of difficulty, grant an additional one-year extension.
6. The surety may be reduced by the County upon actual completion and inspection of site improvements and then only to the ratio that the improvements completed bears to the total improvements for the plan. In no event shall a surety be reduced to below twenty-five percent of the principal amount prior to final acceptance of all items covered under the surety. A surety reduction shall be approved at a maximum of twice a year, not more than once in any three-month period.
7. A surety may be released from obligation once all improvements are complete and accepted by the County and final inspection is satisfied. In some cases, a Maintenance Surety will be required for one year after release of the performance surety.

Topics to discussed:

1. Triggers – 75% of lots sold / 90% of all infrastructure.
2. Surety – 110% of original cost estimates
3. Surety may be up to 160% of original estimate should County rely on administrative oversight on completion of the bond.
4. Authority to increase surety each year.
5. Planning Commission reviews the surety every year.
6. If the Haywood County Regional Planning Commission recommends the surety be called, the Haywood County Commission must do so by Resolution.

ZONING TEXT AMENDMENT

- 1) Add definition – **Substantial Compliance** - Substantial compliance means that an application includes all required documents, plans, and forms, and that each submission is complete, accurate, and conforms to Haywood County’s Zoning Resolution, subdivision provisions, and all applicable general regulations. The application must demonstrate that the proposed plan meets the intent and substantive requirements of all applicable codes, even if minor, technical, or non-material errors or omissions are present.
- 2) Change definition of Manufactured Home - Per Public Chapter No. 112 (effective July 1, 2025) – Manufactured Home is defined by reference per 42 U.S.C. § 5402(6)

NEW BUSINESS

Wellhead Protection - Clay Bright, CAESER (Center for Applied Earth Science and Engineering Research) and POA (Protect Our Aquifer) will discuss the importance of well-head protection and the steps being taken by these entities.

Text Amendments regarding Floodplain Provisions – Text Amendment
FYI - TEMA is reviewing our current Floodplain Provisions for compliance with NFIP.

Finally, a reminder, the agenda for the Haywood County Regional Planning Commission, must be published on the County’s website at least 48 hours prior to the meeting.

If you ever have questions or concerns, please contact me at 731.668.6429/tskehan@swtdd.org

The following are free training links should you wish to explore additional training opportunities. Each member of the planning commission and the Board of Zoning Appeals must receive 4 hours of training per calendar year.

APA Sponsored webinars – Upcoming programs do require you to register in order to receive the webinar credentials.

https://ohioplanning.org/aws/APAOH/pt/sp/webcast_home_page

TAPA Recorded Training Sessions – No registration required.

<https://tennessee.planning.org/knowledge-center/videos/>

Tennessee Association of Floodplain Managers – Free. No registration required.

<https://www.youtube.com/channel/UC9Z8ViDiKct95d53L40ly6Q>

BZA TRAINING – Some questions from audience are hard to hear

<https://www.youtube.com/watch?v=tuyx6JRjy6k&t=427s>

Knoxville BZA gavel to gavel tape <https://www.youtube.com/watch?v=t8RtcVSJVPw>

