

EXHIBIT 4  
P. 1

FEB 27 2023

REC # 2/3/23  
3:35 PM

### Appeal of Administrative Decision

I, Peggy Hannah, filed this appeal on behalf of myself and my neighborhood.

1. About a month ago, a notice of zoning decision was posted in my neighborhood. I live at "268 Hemlock Street" signed by Waynesville Development Director Elizabeth Teague.
2. It states that she makes the following "Administrative Zoning decision for the current use of the property" This property is the large piece of land where the jail detention facilities, sheriff's office, ETC are currently located.
3. The notice or Elizabeth then states the definition of government services under Waynesville Development Standards, LDS 17.3, which is totally nonspecific.
4. Elizabeth Teague then simply concludes that government services "includes the property uses of the county 911 center, communication tower, sheriff department office, and detention center, magistrate, solid waste, recycling transfer station, county garage and maintenance and impound lot and personnel and public parking and storage facilities."
5. Those may be the current uses and those might government activities, but the notice does not say anything about the proper zoning of those uses as you might expect in a "zoning decision".
6. Elizabeth Teague and Bryon Hickox told me that the decision related to the jail or detention facility expansion, which I already knew, and I also knew it involved changing the location of some things such as the waste station.
7. A basic rule of the LDS and of the Town Planning Borad, of which I am a member, is that whenever anything is built, or changed, it has to follow all the regulations for the zoning district, LDS 1.6.1.
8. Bryon also gave me printouts of the proposed detention expansion, which are attached as part of this appeal. The printout shows that the district involved is the Hyatt Creek Regional Center, or HCRC, plans marked A and B.
9. Other than stating Mrs. Teague's view of what the definition of government services is, the notice does not even mention zoning, and if it is supposed to be a "zoning decision" it is entirely unclear what the zoning decision is or if it makes any decision.
10. Since they told me the notice relates to the detention facility expansion it sure looks like it might be implying that the jail expansion and the change in the waste station is properly zoned for the HCRC district.
11. If that is what is intended by the "zoning decision" Elizabeth could not be more wrong.
12. If that is what was intended by this then that "zoning decision" was concealed from the neighborhood and the public.
13. It sure seems like Elizabeth forgot to look at the LDS permitted uses table under LDS 2.5.3, so I will do that for you.

14. Under LDS 2.3.7, HCRC is described as a mix use center containing retail, services, and employment, "must be developed with sensitivity to the surrounding rural setting." That sensitivity to the effects of our neighborhood is exactly what we want
15. Under the description of the categories of the permitted use table, LDS 2.5.1.C says that the office/service use is general business and the provision of services, excluding retail and manufacturing.
16. LDS 2.5.1F says that Civic/Institution use includes SOME government uses. A government institution such as a correctional institution would fall under this category and correctional institution means the same thing as a detention center. Google it!! I did and it is attached as part of this appeal marked C
17. Now let's look at the permitted use table, LDS 2.5.3. It is true that some government uses are permitted in the HCRC. But that is only under the office use of the table. Attachment D.
18. Getting to the more specific parts of the table, remember that the "Institutional" use section is defined as including government uses. Under the "Civic, Instrumental" category, one of the specific items "correctional institution. Remember that a detention facility is the same as correctional institution and in the table that is NOT PERMITTED IN HCRC.
19. Maybe the jail is grandfathered in, but building a new detention facility is building and alternating the existing jail and would have to follow the regulations and would not be permitted.
20. It's the same for the waste station under the list of narrow uses, called the "Use Types" category, materials recovery and waste facility is listed as NOT PERMITTED in HCRC.
21. From my understanding the statements that Elizabeth Teague has made in the notice concerning the detention center and waste facility are completely false and is in no way permitted through the zoning of the property in the HCRC.
22. I also want to say that the waste station <sup>was</sup> put there by the county around 2015?. I wonder if that was a "zoning decision" that the public missed because it was not clear, or if it was done without zoning approval. Either way, there is an argument that it has to be removed.
23. Also, there are other rules in the LDS that were not followed regarding that you have to follow to provide that "sensitivity" to the neighborhood that is required that I said before.
24. Regarding correctional institutional there has to be required buffering from adjoining residential property. LDS 3.7.2.
25. Regarding waste recovery station, all aspects of the activity shall be no closer than 50 feet to a property line and "shall be screened from the street and adjacent properties". In addition to not being permitted as it currently exists, the waste station also violates those provisions.
26. The buffering required both correctional institutional and waste facilities is under a type A buffer under LDS 8.4.2.A That requires either a 40-foot yard with required amount of

plants, or a 25-foot yard with plants, and a wall or berm, or a 10-foot yard with plants and a wall. All of those yards and walls must make the buffering "opaque" to the neighbors. That was neither done for the waste station as it currently exists, nor it is shown on the plan to be fully compliant for the new detention facility or changed waste station. Attachment A & B

27. The notice in question is meaningless if it does not actually make a "zoning decision" whether or not the detention expansion is proper. And worse if it was intended to be a "zoning decision" that the detention expansion and changed waste station were proper as permitted uses in HCRC, then it not only is not flat out wrong but the fact that it is so wrong and the intention was so unclear it makes one wonder exactly what is going on.