

**BRIGHT CACHE ACADEMY**  
**CONDITIONAL USE PERMIT**  
**PLANNING COMMISSION MEETING**  
**JULY 13, 2023**

Summary: Mandie Gochmour is seeking approval for the conditional use of a property zoned as R-2 at 25 W 200 North for a private school. This is consistent with conditional uses in the R-2 zone. The home is owned by Colton and Tiffany Millington.

ZONING: R-2

Notes:

Bright Cache Academy is a small private school for kids ages 6 to 11. This is a single-room group setting with all of the students in a single room. Current enrollment is 8 students but may increase to 12 students. This is expected to be a temporary location while a permanent location is being determined. The school hours will run from 9:00 am through 3:00 pm. School will be held Monday through Thursday with occasional weekend activities. Two adults will be present during operation.

#### **17.84.010 When Required**

A conditional use permit shall be obtained for all uses listed as such under each land use zone regulations. No building permit or license shall be issued for a conditional use until the conditional use is approved by the Hyrum City Planning Commission.

#### **17.84.040 Development Plan-Required - Contents**

The applicant shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, vehicle parking and loading areas, and such other information as the Planning Commission may require.

#### **17.84.050 Development Plan-Submission - Hearing**

The development plan shall be submitted to the planning commission at least two weeks before its regularly scheduled meeting. The commission shall, insofar as practical, give notice of the first meeting at which the development plan will be considered to all contiguous properties and those properties across the street from the subject property's frontage, or frontages, in the case of a corner lot. These property owners will be invited to express their reaction to the proposal. The names and addresses of said property owners shall be furnished to the planning commission by the applicant at least two weeks before the meeting at which the development plan shall be first considered. Compliance with this section shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of failure to provide notification as stated in this section. The planning commission may also hold a public hearing as may be deemed necessary.

#### **17.84.060 Application - Determination**

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Approval shall consider the following items:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of Hyrum City;
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. That the proposed use will comply with the regulations of this title as may be applicable;
4. That the proposed use is in harmony with the intent of the zone in which it is located.
5. That the infrastructure will support the new facility.

6. In setting conditions, the Planning Commission shall show relationship to the broad area of concern to which each condition applies. These areas include:

1. Traffic
2. Noise
3. Odor
4. Pollution
5. Hours of operation
6. Design criteria
7. Lighting
8. Visual blight
9. Safety conditions not related to one of these broad areas may not be imposed.

**17.84.070 Time Limit**

A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished towards its completion.

**17.84.080 Development - Inspection**

The City Engineer shall inspect the development during the course of construction. Any items not in compliance with the conditions of the use permit shall be corrected before further construction proceeds.

**17.84.090 Appeals**

Appeals of any decisions of the Planning Commission shall be made to the Administrative Appeals Hearing Officer. Appeals shall be filed in writing with the City Recorder within ten (10) calendar days of the decision of the commission as per provisions of HCC 17.16. (Ord. 08-13)

**17.84.100 Revocation**

A conditional use permit shall be reviewed every two years for compliance with the terms under which it was issued. It may be revoked upon failure to comply with requirements imposed when the permit was originally approved or as thereafter revised.

## **State Code for Conditional Use**

### **10-9a-103 Definitions**

(8) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

### **10-9a-507 Conditional uses.**

(1)

(a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.

(b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2)

(a)

(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

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(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.