

River Heights City

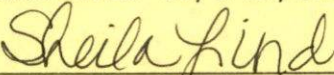
River Heights City PLANNING COMMISSION AGENDA

Tuesday, July 30, 2024

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Public Hearing to Discuss a Kennel Conditional Use Permit Request from Kristie Beardall of 646 S 600 E
- 7:00 p.m. Public Hearing to Discuss a Conditional Use Permit Request from Chaiya Wimber to Hold an Event in Heber Olson Park
- 7:30 p.m. Further Discussion on State Code on Home Based Micro-Education Entities
- 8:00 p.m. Adjourn

Posted this 23rd day of July 2024



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/81909620817>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov) and at riverheights.org.

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
July 30, 2024

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig
Keenan Ryan
Cindy Schaub
Councilmember Blake Wright
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Excused Commissioner Troy Wakefield

Others Present: Kristie Beardall, Chaiya Wimber, Sharlie Gallup, Andrea Bullen, Mike and Ruthann Nelson

Motions Made During the Meeting

Motion #1

Commissioner Schaub moved to "approve the minutes of the July 9, 2024, Commission Meeting with one correction, as well as the evening's agenda." Commissioner Ryan seconded the motion, which carried with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield was absent.

Motion #2

Commissioner Schaub moved to "accept the Kennel Conditional Use Permit request of Kristie Beardall, dated July 11, 2024, according to her application, with the following conditions: 1) A fully fenced yard with a 6 foot fence, 2) Be aware of what is in the River Heights City Code 5-2, 3) Dogs will be cleaned up after, 4) Minimal barking, and 5) The permit becomes void when she moves." Commissioner Ryan seconded the motion which carried with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield was absent.

Motion #3

Commissioner Lehnig moved to "approve Chaiya Wimber's request for a Conditional Use Permit (including her acknowledgment of responsibilities on the application) for a Halloween market in the Heber Olson Park on October 12, 2024 for a one-time use only, with the following conditions: submit proof of insurance, arrange for medical personnel, and traffic control, 40 vendors, 3 food trucks, submit a letter from the fire marshal, arrange for law enforcement, remove all trash from the premises, family-friendly music only, provide a list of vendors, provide verification of parking arrangements from the school and LDS Church (turn in by August 13), and meet with the City Council

to arrange for the park use fee.” Commissioner Schaub seconded the motion, which passed with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield was absent.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on July 30, 2024.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the July 9, 2024, Planning Commission Meeting were reviewed with one change made.

Commissioner Schaub moved to “approve the minutes of the July 9, 2024, Commission Meeting with one correction, as well as the evening’s agenda.” Commissioner Ryan seconded the motion, which carried with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield was absent.

Public Comment on Land Use: There was none.

Public Hearing to Discuss a Kennel Conditional Use Permit Request from Kristie Beardall of 646

S 600 E: Ms. Beardall explained the reasons she was requesting permission to have three dogs. She gave the breeds and ages of the dogs. She got one from a shelter and he hadn’t quite been the dog she hoped would work well with her kids in the 4H program. She got the third dog for her nine-year old daughter to work with. Her son would like them to keep the shelter dog and continue working with it.

Ruthann Nelson, 555 E 600 S, said Kristie Beardall was an amazing dog owner. She had all the faith in the world that it would all work out.

Commissioner Cooley pointed out that there was one written comment from Melanie Stock, in favor of Ms. Beardall’s request.

Commissioner Lehnig asked for clarification on the fenced yard. Ms. Beardall replied that it was made of vinyl, with no holes and it kept the dogs in.

Commissioner Cooley asked if she had an enclosed kennel. Ms. Beardall said the kennels are in the house. The dogs are only outside when they are home so they can call them in if they bark.

Commissioner Schaub asked Recorder Lind if there had been any complaints about the dogs. Ms. Lind said she had received none. Ms. Schaub asked Ms. Beardall if she had read the city code regarding dogs, which she answered in the affirmative.

Commissioner Schaub moved to “accept the Kennel Conditional Use Permit request of Kristie Beardall, dated July 11, 2024, according to her application, with the following conditions: 1) A fully fenced yard with a 6 foot fence, 2) Be aware of what is in the River Heights City Code 5-2, 3) Dogs will be cleaned up after, 4) Minimal barking, and 5) The permit becomes void when she moves.” Commissioner Ryan seconded the motion which carried with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield was absent.

Due to the next hearing being scheduled for 7:00pm, Commissioner Cooley said they would discuss the micro-education discussion and pause at 7:00pm to discuss the next hearing.

Further Discussion on the State Code on Home Based Micro-Education Entities: Commissioner Cooley said he had reviewed Providence City’s micro-education code. They had inserted it into the business license section of their code, which he agreed with. He also liked their format, which he

88 used on the River Heights draft. He kept the purpose, as the commission defined last time they met.
89 He suggested they abbreviate "River Heights City Code" by using RHCC, since other sections of the
90 code were referenced throughout. He also wanted to add a fire inspection requirement, point out
91 that setbacks must be met, define parking restrictions, traffic plans, hours of operation, and the
92 avoidance of risks to health or safety, by not allowing the school in a designated sensitive area.

93 Commissioner Schaub wanted to see the definitions of home-based microschool and micro-
94 education entity in the code. Mr. Cooley suggested adding them to the Definitions Chapter.

95 Commissioner Cooley asked how they could avoid having a microschool on the same street as
96 the elementary school (on 600 South), due to the amount of traffic associated with it.

97 Commissioner Schaub felt a 10:00pm quitting time was too late and 6:00am was too early.
98 Council member Wright suggested not going outside of the noise ordinance which was 7:00am-
99 10:00pm.

100 Public Hearing to Discuss a Conditional Use Permit Request from Chaiya Wimber to Hold an
101 Event in Heber Olson Park: Commissioner Cooley informed that the Commission was given the task
102 from the City Council to address a CUP for the event. He asked Chaiya Wimber to explain her
103 request. Ms. Wimber desired to provide a free activity for the community on October 12 in the
104 Heber Olson Park. She proposed 60 vendors, 10 non-profit local community booths, 5 food trucks,
105 pumpkin painting, live music, line dancing, and other free family activities. She explained that as the
106 host, she would oversee all the cleanup, including the bathrooms and all debris and have paid
107 employees going around during the event to make sure the environment was clean during the day, as
108 well as after. Vendor parking would be at the elementary school so their vehicles wouldn't take up
109 space near the event. The hours of the event would be from 10:00am to 4:00pm. Vendors would
110 arrive to set up at 9:00am and be cleaned up and gone by 5:00pm.

111 Ruthann Nelson, of 555 E 600 S, asked what the event was for. Ms. Wimber said it was for the
112 community. Ms. Nelson pointed out that it would be held during soccer season, which meant the
113 school parking lot would be full on the proposed date. She was concerned about 400 cars and where
114 they would all park. What would nearby residents do if cars were parked in front of their driveways?

115 Sharlie Gallup, of 475 E 400 S, asked if the food trucks would be provided power by the city or
116 use their own generators. She asked if the money the vendors pay her would go towards paying her
117 employees. She asked who would be responsible for minor damage that could occur. She wasn't
118 sure how 60 vendors would fit in the park and was concerned with the amount of foot traffic on the
119 lawn. She was curious who the vendors would be. Would they keep with the standard of a family-
120 friendly community. Would there be an approval process for the vendors? She asked what kind of
121 music would be playing. She wondered if law enforcement could drive by periodically during the
122 event in case anything got out of hand. Would they pay a deposit in case there were damages? She
123 supported community events but wanted some clarity.

124 Commissioner Cooley's biggest issue was where all the cars would park. He asked Ms.
125 Wimber how much she planned to charge the vendors. Forty dollars was her reply. She said she
126 chose the park for its beauty, because she lived nearby, and thought the community would enjoy
127 what the event would offer.

128 Commissioner Ryan asked Ms. Wimber if she had ever organized an event of this magnitude
129 before. Ms. Wimber said she had, several times.

130 Commissioner Schaub had concerns about the possible need for law enforcement. Would
there be restrictions from the fire marshal? Should medical personnel be on standby? Would there

132 be signs showing where to park. Would some streets be blocked off. Would the park bathrooms be
133 sufficient? Were there plans to set up picnic tables and benches? She loved the idea but felt 60
134 vendors was way too many. She suggested half that amount. Ms. Wimber asked for 40, including
135 non-profits. Ms. Schaub asked what types of things the vendors would be selling and the type of
136 music. Ms. Wimber gave some examples and explained that it would all be family friendly.

137 Commissioner Cooley asked Ms. Wimber how she planned to handle the traffic. She
138 explained the vendors would come down 400 South, set up and then park at the school. Mr. Cooley
139 asked her plan for the number of cars. Ms. Wimber listed the city's parking areas and how many cars
140 each could hold, which came to about 100, near the city block. Mr. Cooley said it wouldn't be
141 enough. He said he went to a similar type of event in Millville, which had cars lining the streets for
142 three blocks, as well as in their parking lots. Ms. Wimber said she would have a couple employees to
143 manage the parking lots. Commissioner Schaub didn't think this would be sufficient. Mr. Cooley
144 suggested having law enforcement patrolling the area.

145 Ms. Wimber said she had organized events in small towns several times before. She had a list
146 of interested vendors and named a few of them.

147 Commissioner Lehnig asked if she had event insurance. Ms. Wimber said she had investigated
148 it and had planned on getting it. She informed that she would hire a person to take care of the trash
149 during the event and haul it away. She could hire a medic to be on standby and get approval from
150 the fire marshal.

151 Commissioner Cooley suggested at least three guides to help with traffic. He also brought up
152 the possibility of needing additional restrooms. Councilmember Milbank noted that Cache Valley's
153 Farmers Market had 70-80 vendor booths with only one bathroom.

154 The commissioners wanted to see the vendor amount cut to 40, which would include the non-
155 profits and food trucks. Ms. Wimber said she could do away with food trucks and just have food
156 booths.

157 Commissioner Cooley didn't want to start a trend for these types of events and suggested it
158 be a onetime thing. He also noted that the Commission didn't have legislative power to impose fees
159 for the event. This would need to come from the City Council. He suggested that any future requests
160 for events in the park seek approval from the City Council, so they could address any problems that
161 may arise from this event.

162 Councilmember Wright felt the council had approved the use but was leaving it up to the
163 commission to come up with the conditions. It was also his feeling that it was for a one-time use.
164 The council would come up with fees to charge, but suggested the commission could recommend an
165 amount. It was brought up that the city's new pavilion should be erected by October.

166 Commissioner Schaub read from concerns expressed at the council's meeting. One of the
167 suggestions was that perhaps the soccer fields at the school would be better suited for an event like
168 this. Ms. Wimber was asked if she had contacted the LDS Church about getting permission to use
169 their parking lot. She hadn't but would. She would also check with South Cache Soccer about their
170 use of the school parking lot on October 12.

171 The Commissioners discussed the conditions they wanted to impose.

172 **Commissioner Lehnig moved to "approve Chaiya Wimber's request for a Conditional Use**
173 **Permit (including her acknowledgment of responsibilities on the application) for a Halloween**
174 **market in the Heber Olson Park on October 12, 2024 for a one-time use only, with the following**
175 **conditions: submit proof of insurance, arrange for medical personnel, and traffic control, 40**

176 vendors, 3 food trucks, submit a letter from the fire marshal, arrange for law enforcement, remove
178 all trash from the premises, family-friendly music only, provide a list of vendors, provide
179 verification of parking arrangements from the school and LDS Church (turn in by August 13), and
180 meet with the City Council to arrange for the park use fee." Commissioner Schaub seconded the
181 motion, which passed with Cooley, Lehnig, Ryan, and Schaub in favor. No one opposed. Wakefield
was absent.

182 Commissioner Cooley asked Ms. Wimber to get on the next City Council agenda for them to
183 determine the fee. The Council would be provided with the list of conditions.

184 Further Discussion on the State Code on Home Based Micro-Education Entities (cont.):

185 Councilmember Wright agreed to adding the definitions to the code. He was concerned about the
186 zoning administrator having to make a subjective decision. He preferred the requirement of a
187 Conditional Use Permit, to assist in making sure the city's bases were covered, even though they
188 would have to approve the request. He felt only the legislative body should be able to make the
189 decision. He pointed out that the use would need to be included in the land use chart section of the
190 code. They were unsure if they could require a Conditional Use Permit. Councilmember Wright
191 suggested they check with Attorney Jenkins. Commissioner Cooley read from the state code, which
192 clarified that it was a permitted use, which meant it wouldn't go through the conditional use process.
193 He agreed to have the city attorney look over it to make sure the code was tight.


194 Councilmember Wright agreed to review Commissioner Cooley's draft to make sure the
195 references were covered in other sections of the city's code. He wanted everything spelled out to
196 help the zoning administrator in making a decision.

Commissioner Ryan asked for clarification on what a microschool really was. It was explained
that it was an extension of home school, located in a house in a residential area. Mr. Ryan was
unsure how it would even be possible in River Heights with all the building codes required by the
state.

Commissioner Cooley felt it would be helpful to know what was meant by "Group E
Occupancy or Class B Occupancy as defined by the International Building Code" (10-13-27-4.B).
Councilmember Wright said he had access to the International Building Code and he would try to find
out.

The microschool code would be discussed again at their next meeting.

The meeting adjourned at 8:00 p.m.

210 
211 _____
212 Noel Cooley, Commission Chair

207 
208 _____
209 Sheila Lind, Recorder

Public hearing date: 7/30/24

River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Kristie Beardall Date: July 11, 2024

Phone #: _____ Email: _____

Address: 646 S. 600 E. River Heights UT 84321

02-029-0055

Number of dogs requested: 3 Property for animal support (sq ft): 1 1/3 acre or 1,4520 sq ft.

Description of shelter provided, care of animals, etc: Our main goal is to let our kids participate in youth groups who train their own dogs for show and dog sport competitions. Our 12yr old Lab mix is getting to where she is having a harder time getting around. So we ~~are~~ have added two younger dogs we are hopeful will work for the kids to take care of and train. A now 5 month old ^{Portuguese} water dog. and a kelpie stock mix who was a rescue, ~~and needs more time with us~~ ^{and needs more time with us} to continue some professional training.

Application fee is \$100 and is nonrefundable.

Date paid 100.00 Check number 726 By Spind

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

We have a large fenced in yard. Dogs are indoor/ out door as they like. They have their own kennel to sleep in at night or when we can not be home they stay in. Kennels are in the home. Because each dog is a different breed and age they are even fed their own diet. Each dogs breed was selected with a lot of thought on how they would be to train, work with kids and family behave around other dogs, and their energy ~~from~~ needs.

River Heights City
Conditional Use Application

For office use

Date Received: June 20, 2024

Hearing Date: July 30, 2024

Amount Paid: \$100.00

Approved _____ Denied _____

APPLICANT

Name: Charila Wimber

Mailing Address: 418 E. 400 S.

Phone: _____ email: L

Please check one of the following: _____ owner _____ buyer _____ renter _____ agent ☒ other

PROJECT INFORMATION

Name: Halloween Market

Address/Location: Heber Olsen Park, Church & Old School Parking lots

Property Tax ID: 02-022-0006

Existing Zone: _____

What is the current use of the property? Public use

How many employees will be working at this location including applicant, immediate family, and non-

family members? 60 booth vendors, 15 event employees, 5 food trucks + their staff

How many vehicles will be coming and going daily, weekly, or monthly? 400?

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial CW

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial CW

Description of Request: use of Park & surrounding areas for halloween craft fair. 60 vendors (art, crafts, foods, etc.) w/ food trucks, live music, Dancing, and free activities for kids/families.

SUBMITTAL REQUIREMENTS

_____ Completed and signed application form

☒ \$100 application fee

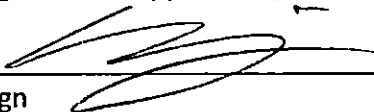
☒ 8 1/2 x 11 copy of plans

_____ Provide a Fire Protection evaluation from the fire department.

ACKNOWLEDGMENT OF RESPONSIBILITY

I certify that I am making an application for the described action to the City and that I am responsible for complying with all City requirements in regard to this request. I realize in order to do any construction on the property, I will be required to obtain a Zoning Clearance Permit from River Heights City and possibly a County Building Permit. I also agree to meet the ordinances and standards of River Heights City for any improvements. The documents and/or information I have submitted are true and correct. I understand that my application is not deemed complete until the Planning Commission has reviewed the application and has given their approval in the form of a permit. I understand additional fees may be charged for the City's review of the proposal (including, but not limited to, engineering and attorney fees). I agree to reimburse River Heights City for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by the City resulting from my failure to comply with the Land Use Ordinance and terms of this Conditional Use Permit.

Signature of Applicant(s)



Sign

6/20/2024

Date

Chaiya Wimber

Print

Sign

Date

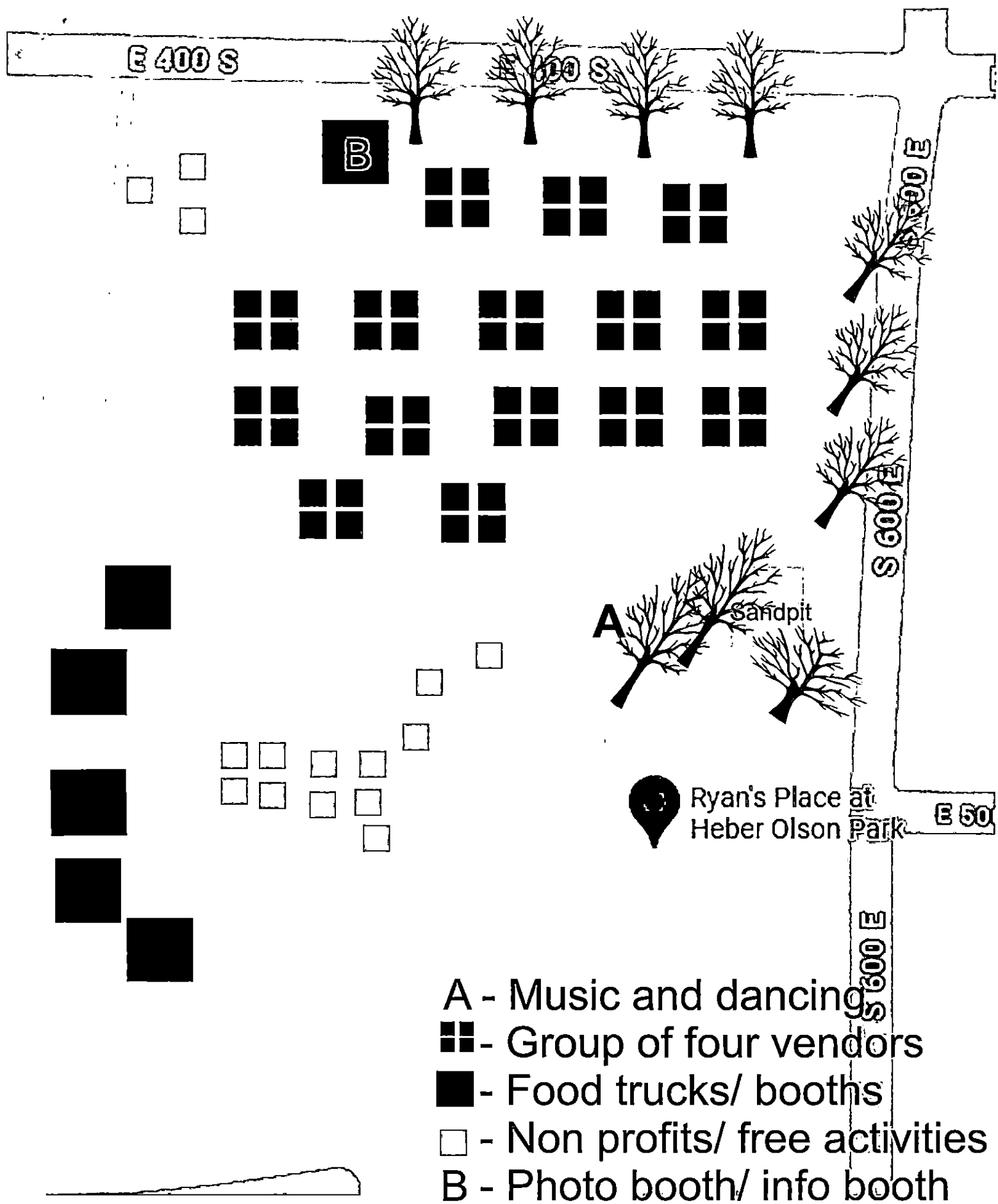
Print

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm I am the fee title owner of the above described property or I have written authorization from the owner to pursue the described action with a copy of the authorization attached.

Sign

Date





Sheila Lind <office@riverheights.org>

Input for public hearing 7/30

1 message

Melanie S <melanie.n.stock@gmail.com>
To: Sheila Lind <office@riverheights.org>

Wed, Jul 24, 2024 at 3:52 PM

Dear Sheila,

As I will most likely not be able to make the hearing, I wanted to voice my support for both the Beardall's having a third dog, as well as Ms. Wimber's desire to have a daytime market event at our park. I think I'm too far from the Beardalls to matter, but saw the post and just wanted to say they are good neighbors and responsible dog owners. As I am within 300' of the park, my feelings are the market sounds like exactly the kind of use for which parks were intended (and a particularly fun one!) - bringing community together. I'm not concerned about traffic or other potential minor inconveniences. (Frankly it's nothing compared to the obnoxious fireworks situation we have almost all July).

Cheers and best wishes to all!
Melanie

Dr. Melanie N. Stock
586 S 600 E
River Heights, UT 84321



Wimber Considerations from City Council and Staff

City Council Comments – July 2, 2024

Further Discussion on Chaiya Wimber's Request to Use Heber Olson Park for a Fall Event:

Councilmember Milbank said he met with Recorder Lind and PWD Nelson to discuss the size of the event and determined that it was up to the council to make the decision, based on City Code 10-18-2. They were concerned about the number of vehicles and people the event would bring in. He asked Ms. Wimber how much she would be charging the vendors. She said it hadn't been decided yet and gave him a copy of the application she gives the vendors. She said the elementary school had given permission for them to use their parking lot. Mr. Milbank felt the number of vendors and people the event would bring in could disrupt the neighborhood.

PWD Nelson was also concerned with 400 vehicles in the city. Recorder Lind guessed Apple Days brought in 300-400 people with very few vendors and about three food trucks.

Councilmember Milbank asked Ms. Wimber her motivation. To put on a fun fall festival, was her reply. She came from a small city that had different events for families on the weekends.

PWD Nelson suggested the elementary school fields could be a better place for something like this.

Mayor Thompson was concerned with the number of people and vehicles.

Councilmember Milbank didn't want to set a precedence by allowing such a large event. He suggested limiting the number of vendors and food trucks.

Councilmember Pitcher asked how many parking spots would be available. They counted 100ish. PWD Nelson guessed there would be 75 cars, just in vendors.

Councilmember Wright asked if the event would be considered a 'farmers' market.' If so, it would go to the Planning Commission for a Conditional Use Permit. Councilmember Milbank reminded that elsewhere in the code it stated that events such as this would be approved by the council.

The council agreed to have the Planning Commission consider the application, hold a public hearing and hoped they would consider the comments and concerns of the Council.

Staff Concerns

- She and each vendor should abide by the park rules (no dogs allowed, etc.)
- How much to charge? Apple Days vendors are charged \$40/each.
- Cap the number of vendors.
- No electricity is available.
- Would this set a precedence and attract other similar events?
- Consider the need for additional restrooms.

10-13-27: Requirements for Home Based Microschool and Micro-education Entity

10-13-27-1 Definitions

See Utah Code 53G-6-201 for the definitions of the following terms: home-based micro school and micro-education entity

10-13-27-2 Purpose

A Home-based micro school is allowed in all zones as long as it meets the requirements of State Code 10-9a-305 and meets the definition of State Codes 53G-6-201 53G-6-212. This section defines the requirements for a Home-based micro school. located in River Heights City to be approved by the city zoning administrator. Items to be considered are:

- A. Business license
- B. Applicable zoning and land use regulations
- C. Parking
- D. Traffic
- E. Hours of operation; and
- F. Regulations on the location of a project that are necessary to avoid risks to health or safety

10-13-27-3 Business License Requirement

- A. The applicant for a home-based micro school or a micro-education entity shall fill out and file with the city, a business license application as required in City Code section 3. The provisions set forth shall be controlling as to all matters relating to the requirements for and issuance of a license, license fees, exemptions, renewals, etc.
- B. A fire safety inspection will be required with the initial business license approval and annually, prior to the business license renewal.

10-13-27-4 Application Zoning and Land Use Regulations

- A. A home-based micro school shall comply with the area, setbacks, and heights regulations for each zoning district as listed in RHC 10-12-2 Area Regulations
- B. A micro-education entity, as per UCA 10-9a-305(7) may operate in a facility that meets Group E Occupancy or a Class B Occupancy as defined by the International Building Code, and shall comply with the standards within each zone.
- C. These lists are not all-inclusive. Additional rules and regulations may apply.

10-13-27-5 Parking

- A. Off-street parking requirements for all zoning districts are listed in RHC 10-14.
- B. In addition to the dwelling unit parking requirements listed in RHC 10-14-1., a home-based micro school shall provide sufficient parking and needed facilities for employees and customers completely and entirely on homeowner's land containing the primary dwelling or an adjacent parcel owned by the homeowner.
- C. The applicants for a home-based micro school or a micro-education entity shall provide a parking plan.

10-13-27-6 Traffic Plan

The applicants for a home-based micro school or a micro-education entity shall provide a traffic plan depicting the desired routes for all modes of transportation.

10-13-27-7 Hours of operation

The hours of operation shall be with the hours of 6:00 AM and 10:00 PM. The applicants for a home-based micro school or a micro-education entity shall include the normal hours of operation on the application for a business license.

10-13-27-7 Regulations on the location of a project that are necessary to avoid risks to health or safety

RHC Chapter 10-11 Sensitive Areas defines nondevelopable sensitive areas and potentially developable sensitive areas; and lists the regulations and requirements for development in sensitive areas.

Definitions:

Home-based Microschool: Means an individual or association of individuals that:

- (i) registers as a business entity in accordance with state and local laws; and
- (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

Micro-education entity: means a person or association of persons that:

- (i) registers as a business entity in accordance with state and local laws; and
- (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.