



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT of COMMUNITY *and* NEIGHBORHOODS

**To:** Planning Commission  
**From:** Cassie Younger, Senior Planner  
Aaron Barlow, Principal Planner  
**Date:** August 9, 2023  
**Re:** Zoning Text Amendments regarding Child Daycare Centers and Home Daycare Facilities

This memo is intended to provide information and solicit feedback regarding proposed text amendments related to child Daycare Centers and Home Daycares within Salt Lake City. As one of Mayor Mendenhall's priorities for 2023, the intended goal of these amendments is to expand childcare options within the City and to better align City regulations with State licensing requirements.

## Questions to Consider

- How should Planning staff address the State's allowance of a second Home Daycare location?
- If so, should Home Daycares be removed from Home Occupations?
- Which option provided by staff best balances the City's need for affordable housing crisis with its need for affordable childcare? Should the City expand options for Home Daycares located within single-family houses?

## **ATTACHMENTS:**

- [ATTACHMENT A: Table of Current and Proposed Changes](#)  
[ATTACHMENT B: Map of Existing and Proposed Zoning Maps for Child Daycare Centers](#)  
[ATTACHMENT C: Proposed Code Redlines](#)  
[ATTACHMENT D: Utah Department of Workforce Services: "Childcare Access in Utah"](#)  
[ATTACHMENT E: Letter from State Licensing Department](#)

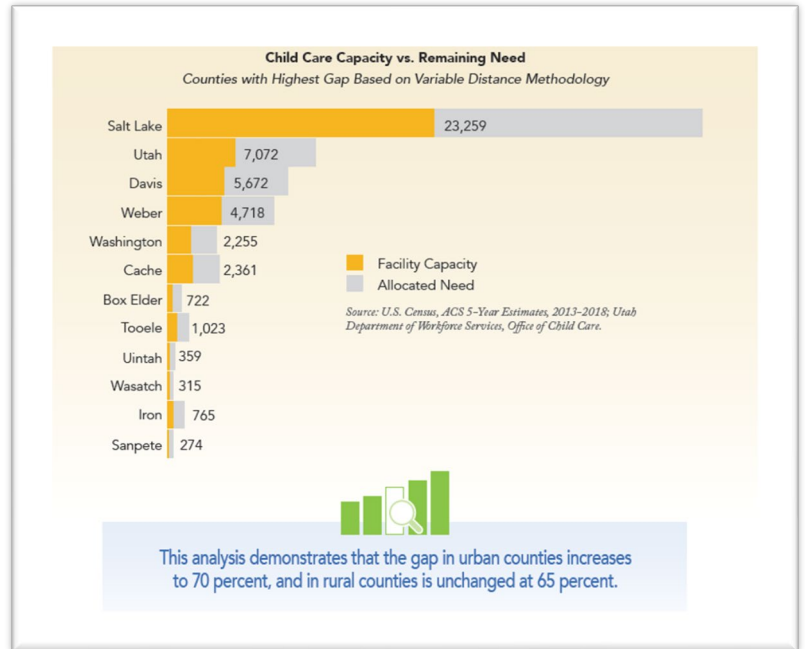
## **PROJECT DESCRIPTION**

### **Background Information**

A national daycare shortage is affecting Utah's parents and children in a merging crisis of capacity and affordability. In 2020, the Utah Department of Workforce Services identified that the most severe shortage of childcare centers was in Salt Lake County. As of 2020, Salt Lake County needed 99 new Childcare Centers and 454 licensed family daycares to keep up with demand. As demand continues to grow, we can only expect that these numbers have increased in the three years since this report. Along with low wages and staffing difficulties, land use regulations can be a burden to new daycares trying to get land use permits in a new City. While zoning cannot alone solve this complex problem, the Mayor has requested that the planning division do everything possible to reduce zoning barriers to this desperately needed service in our City.

The matter of available and affordable childcare is important for equity in the workplace for women and people of color. With the growing cost of living and housing, many families need dual incomes to afford daily expenses. Without

affordable childcare, not only are many adults excluded from participating in the workforce who would likely work given the opportunity, but many families are left vulnerable to food and housing insecurity. Without childcare options, women are statistically more likely to leave their careers to stay with their children. According to the Utah Department of Labor’s statistics, the rate of women in the workforce with children under 6 is only 50%, while 74% of women with children ages 6-17 (of school age) are in the workforce. If Salt Lake City intends to support women in the workforce, it needs to provide opportunities for more childcare options where it can.



### Types of Daycares in Salt Lake City

Salt Lake City’s Zoning Ordinance and Utah’s State Code separate daycare businesses into two different types of facilities: Commercial Child Daycare Centers (Daycare Centers) and Daycares within a residence (Home Daycare). At both City and State levels, these two types of child daycare are regulated differently.

Daycare Centers are considered commercial enterprises and must meet all zoning and building code requirements for a commercial establishment. They are intended to serve a larger number of children at one time and may have several providers and other employees on staff and must meet extensive licensing requirements from the state. State licensing further separates these types of establishments into other subtypes, including preschools and hourly providers. City regulations do not differentiate between these commercial daycare types since the impacts are likely to be very similar.

Home Daycare provides care for children in a house. These types of daycares are usually accessory to the residential use of a building. Like with Daycare Centers, state licensing limits the number of children that may be cared for at one time at these facilities through different types of home licenses, placing stricter requirements on providers caring for a larger number of children. Prior to 2021, Home Daycares were under the Special Exception process in Salt Lake City Zoning. After 2021 when Special Exceptions were removed from the code, Home Daycare providers in Salt Lake City are required to obtain a Home Occupation License.

### Existing Barriers and Conflicts with State Code

Currently, there are several barriers in the City’s zoning regulations that make it difficult to find a location within the City for a new daycare. For example, Conditional Use approval is required for Daycare Centers in the R-1/12,000, R-1/7,000, R-1/5,000, SR-3, R-2, RMF-30, and RMF-35 zoning districts.

The Conditional Use standards for commercial daycare centers as outlined in [21A.36.130](#) of the Salt Lake City Zoning Ordinance are prohibitive for any new Daycare Center that would try to build within those residential zones. Planning staff has found that many of these standards are not only prohibitive and costly but unnecessary, especially with such a high demand for these uses in the City. Some of these prohibitive standards include:

- A minimum lot size of 20,000 square feet
- A requirement to be located on and oriented toward an arterial street (or major road)
- A prohibition of new Daycare Centers within 600 feet of another daycare facility that required conditional use approval on the same street frontage.

Planning staff has found these standards, and many others listed in the Conditional Use Standards for Daycare Centers, to be burdensome and may prevent new daycares from opening in places where they are most needed—within residential areas near families and children.

For Home Daycares, the regulations within the Salt Lake City Zoning Ordinance are more restrictive than what’s allowed in State code. The City’s current regulations for Home Daycares limit providers from caring for more than 8 children at a time, even though state regulations allow up to 16. The goal of these amendments is not only to reduce

barriers in this context but to better align the City's code with State requirements and help reduce confusion through the daycare licensing process.

## Proposed Code Amendments

A full version of the proposed redlines is included in [Attachment C](#), they are summarized below:

### Childcare Centers

- Change the Land Use from *Conditional Use* to *Permitted* in the following zones: R-1/5,000, R-1/7,000, R-1/12,000, SR-1, SR-3, R-2, RMF-30, RMF-35, and RMF-45
- Add as *Permitted Use* to the following zones: FR-1/43,560, F-2/21,780 and FR-3/12,000.
- Eliminate existing *Conditional Use* Standards for childcare centers outlined in 21A.36.130

### Home Daycares (as a Home Occupation)

- Eliminate the definition for “Nonregistered Home Daycares”. “Nonregistered Home Daycares” are not regulated by City or State code. This definition creates confusion with other definitions of childcare facilities.
- Increase the number of children allowed at Home Daycares from eight (8) to sixteen (16), to align with State code.
- Moving standards for Home Daycares into Home Occupation chapter, 21A.36.030.

Prior to 2021, new Home Daycares required Special Exception approval. To accommodate the removal of Special Exceptions from the City's zoning ordinance during that year, Home Daycares were reclassified as Home Occupations. Unfortunately, many of the existing requirements for Home Occupations did not adequately account for issues that arise from regulating Home Daycares. To accommodate the recent reclassification, Planning Staff has proposed a number of exemptions from Home Occupation requirements for Home Daycares where flexibility is necessary, including:

- Permitting outdoor play areas
  - Home Occupations are required to be located fully within an enclosed structure on the property
  - These play areas would be prohibited in the front yard
- Exemptions to account for drop-off and pick-up times, specifically:
  - The number of customers permitted at a location at one time
  - The permitted hours for visitations from customers
- Additional application requirements

In addition to the items discussed above, Planning Staff has encountered an additional issue related to Home Daycares, which is discussed in the next section.

### **Policy Question: Additional Home Daycare Locations**

The State's Daycare Licensing Division recently changed its requirements to allow for one additional Home Daycare location under a single license without a provider living in that second location. Under the City's current Home Daycare and Home Occupation regulations this would not be permitted. Officials from the licensing division noted that while many cities in Utah do not permit a second Home Occupation location or license Home Occupations without the holder occupying the house, there are many instances where providers have circumvented local regulations (one example given was a provider using a spouse as the license holder for their second location).

While Commercial Daycare Centers would be permitted in almost every zone under our proposed changes, they fall under different licensing requirements with the State. The conversion of a residential home into a commercial daycare center would be costly and difficult – the requirements for fire, building occupancy, and health code all change when issued under a commercial license as opposed to home license. So while the residential conversion to daycare center is possible under zoning, for many small business owners it is highly unlikely. It is much easier to open a second Home Daycare center, whose licensing requirements are meant for residential buildings and used as such.

Given the goal of these amendments, Planning Staff intends to align the City's daycare regulations with State requirements as much as possible. In determining how to best accomplish that goal, Planning Staff has discussed three possible options to amend current zoning regulations that would allow (or not allow) these additional Home Daycare locations permitted by the State (listed below) and needs feedback from the Planning Commission.

**Option 1: Limit Home Daycares to a single residential location**

Limiting Home Daycares to a single residence would require the least amount of changes to this proposal before the Public Hearing. The changes would reflect the strike and underline included in Attachment C. This option would also avoid significant changes to the Home Occupation licensing process. Below is a review of the benefits and challenges of this option:

<b>Pros</b>	<b>Cons</b>
No major changes to Home Occupation rules or regulations	Limits businesses opportunity for growth
No changes to definitions for Home Occupations and confusion for other Home Occupations	Reduces home daycares in neighborhoods where may be needed
Keeps housing stock for residential purposes only	Does not align with State Licensing allowances
	Possible unauthorized home daycares may still occur under the radar

**Option 2: Permit a second Home Daycare location as a Home Occupation**

The first method in which staff has considered accommodating the additional Home Daycare location permitted by the State would be to maintain the proposal in Attachment C, but carve out additional exceptions. Specifically, this proposal would modify the definitions of Home Daycares and Home Occupations and permit Home Daycares in a *house intended for residential use but without a primary residential occupant*. Staff has also reviewed the pros and cons of this proposal, and they are listed below:

<b>Pros</b>	<b>Cons</b>
Allows expansion of more daycares with fewer impacts on neighborhood character	Possible change of definition to Home Occupation which affects all other Home Occupations
Allows something that may already be occurring	Giving Home daycares greater privileges than other Home Occupations
Aligns with State Licensing regs	Possible loss of housing stock to home daycares
	Confuses Home Occupation application process
	Creates confusion within ordinance with so many exceptions to Home Occupation for the use of Home Daycares

**Option 3: Permit a second Home Daycare by removing them from Home Occupations**

This option would separate Home Daycares from Home Occupations entirely and simply list them as a permitted use within the Table of Uses. Like with option two, this would require amendments to the Home Daycare definition for a home daycare to be located in a building intended for residential use yet not require the owner to have residency there but would not require amendments to Home Occupations. Additional standards may be located elsewhere within the zoning regulations (like the existing section for daycares in 21A.36.130). Providers would obtain a standard business license for their Home Daycare (as opposed to a Home Occupation license). Pros and cons listed below:

<b>Pros</b>	<b>Cons</b>
Eliminates long list of “exceptions” for home daycares	Change definition of Home Daycare
Simplifies Business License Process for applicant	Will have to pay a higher Business License fee (could add amendment to code to eliminate fee for this use)
Reduces possible future conflicts with Home Occupation changes later this year	Requires home daycare to get business license
Allows expansion of daycares with fewer impacts on neighborhood character	Possible loss of housing stock to home daycares
Align with State Licensing regs	



### **Policy Questions for the Planning Commission to Consider:**

- How should Planning staff address the State's allowance of a second Home Daycare location?
- Which option provided by staff best balances the City's need for affordable housing crisis with its need for affordable childcare? Should the City expand options for Home Daycares located within single-family houses?
- If allowed, should Home Daycares be removed from Home Occupations?

## **Attachment A**

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# CHILD DAYCARE CENTER



	CURRENT	PROPOSED	REASON
<b>DEFINITIONS:</b> <i>Daycare</i>	<p>“Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under fourteen (14) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child “daycare” for purposes of this title. Such providers and their facilities shall be classified as defined herein and shall be subject to the applicable provisions of title 5, title 9, chapters 9.08 through 9.20, 9.28 through 9.40, and title 14, chapter 14.36 of this Code, this title, and applicable State law.”</p>	<p>“Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under the age of thirteen (13), or under the age of eighteen (18) if the person has a disability, in lieu of care and supervision ordinarily provided by parents in their own homes. Such providers and their facilities shall be classified as defined herein and shall be subject to the applicable provisions of title 5, title 9, chapters 9.08 through 9.20, 9.28 through 9.40, and title 14, this title, and applicable State law or their successors.”</p>	Align with Utah State Code.
<b>DEFINITION:</b> <i>Daycare Center, Child</i>	<p>“An establishment providing care and maintenance to seven (7) or more children at any one time of any age separated from their parents or guardians.”</p>	<p>“An establishment providing care to any number of children at any one time of any age separated from their parents or guardians. “Child Daycare Center” does not include: (i) residential child care; or (ii) care provided in a facility or program exempt under Utah State Code.”</p>	Align with Utah State Code.
<b>LAND USE TABLE</b>	<p><i>Conditional Use</i> in most single family and multifamily residential zones.</p> <p><i>Not permitted</i> in Foothill residential zones.</p>	Add or change to <i>Permitted</i> in <b>all</b> residential zones.	Reduce land use permits, time, and cost for businesses starting daycares.
<b>STANDARDS</b>	Conditional Use standards for Child Daycare centers outlined in <a href="#">21A.36.130</a> .	All Conditional Use standards for daycare centers <b>removed</b> .	Reduce unnecessary restrictions and barriers to building new daycare centers.

# HOME DAYCARES, AS HOME OCCUPATION

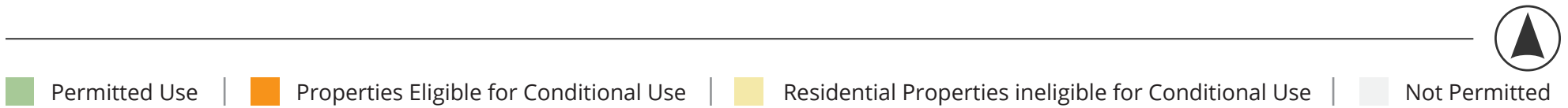
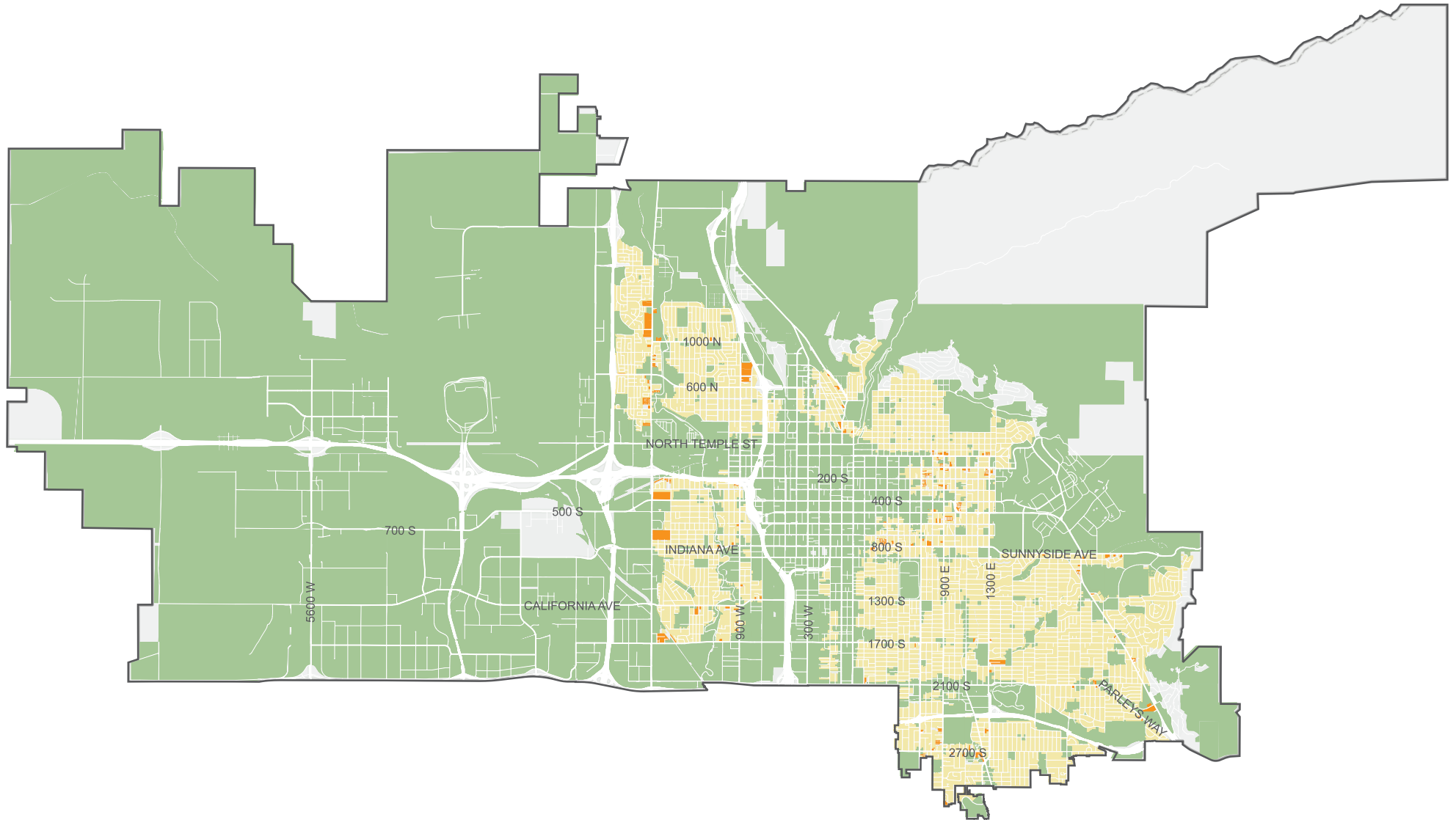


	CURRENT	PROPOSED	REASON
<p><b>DEFINITION:</b> <i>Registered Home Daycare or Preschool</i></p>	<p>“Registered home daycare or preschool daycare” means the use of a principal place of residence to provide educational or daycare opportunities for children under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider’s own children under age seven (7).”</p>	<p>“An accessory use of a principal place of residence to provide educational and/or daycare opportunities for children.”</p> <p><b>Eliminate</b> “Home Preschool”</p>	<p>Eliminate unnecessary age and group size restrictions and better align with Utah State Code.</p>
<p><b>DEFINITION:</b> <i>Unregistered Home Daycare or Preschool</i></p>	<p>“Nonregistered home daycare” means a person who uses his/her principal place of residence to provide daycare for no more than two (2) children.</p>	<p>Eliminate definition and all references to “Nonregistered home daycare”.</p>	<p>This use is not regulated under zoning code.</p>
<p><b>LAND USE TABLE</b></p>	<p>Permitted in all residential districts and within a legal conforming dwellings in non residential districts, except M-1 &amp; M-2.</p>	<p>No change.</p>	<p>N/A</p>
<p><b>GROUP SIZE</b></p>	<p>Group size at any given time shall not exceed eight (8), including the provider’s own children under age seven (7).</p>	<p>Group size shall not exceed sixteen (16) children, supervised by the number of caregivers required according to Utah Administrative Code 430-90-10 or its successor.</p>	<p>This allows for more children in home daycares, and follows the same group size and age limitations as Utah State Code.</p>
<p><b>STANDARDS</b></p>	<p>Standards outlined in <a href="#">21A.36.130</a>.</p>	<p>Standards outlined in <a href="#">21A.36.030.H</a>.</p>	<p>When Special Exception petitions were removed from the City’s zoning regulations, the method of approval for home daycares was essentially lost. Placing Home Daycares within the Home Occupation section of the zoning ordinance will provide the City with a mechanism to review and permit new Home Daycares.</p>

## **Attachment B**

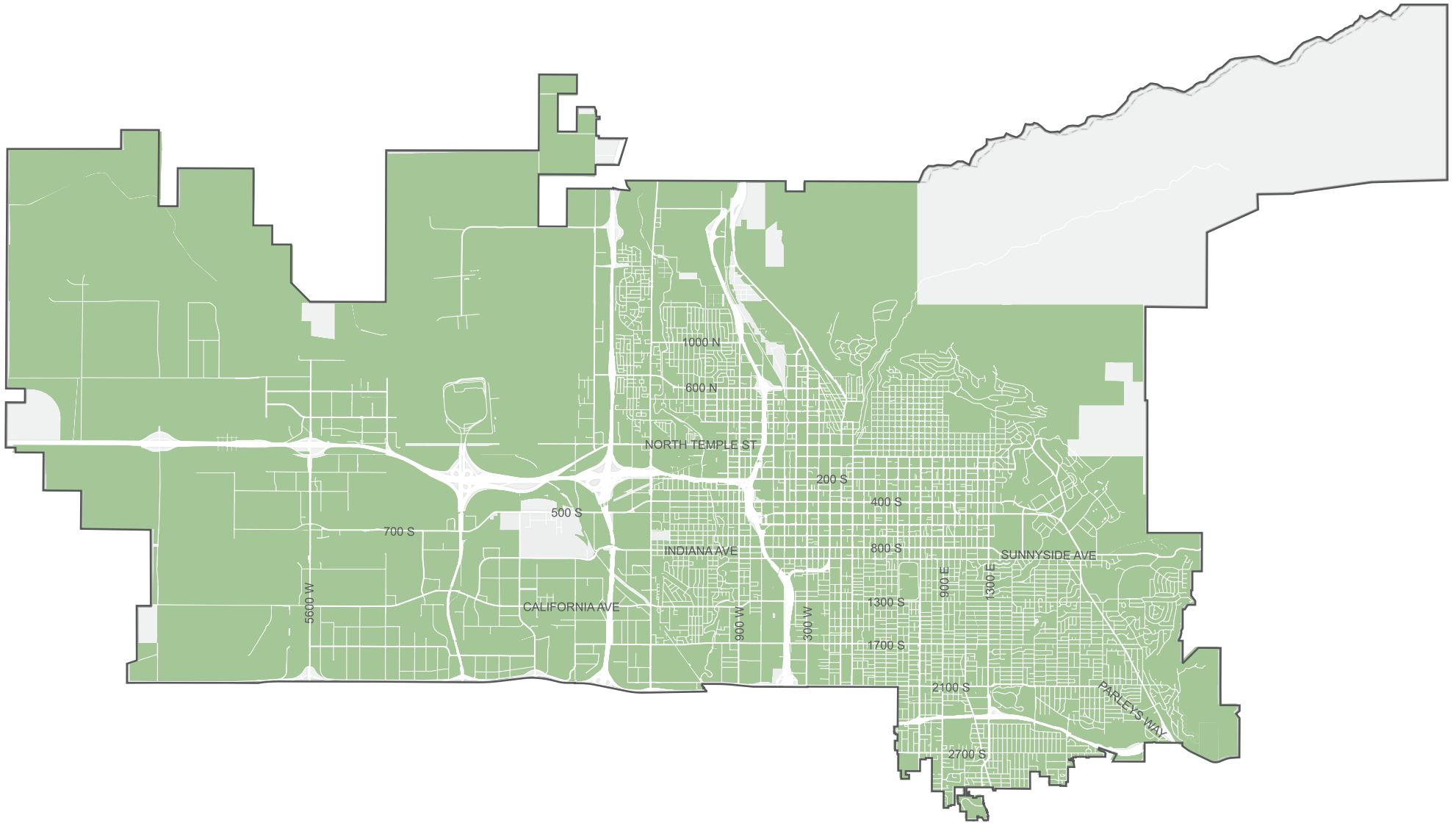
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# CHILD DAYCARE CENTER AMENDMENTS | EXISTING CONDITIONS





# CHILD DAYCARE CENTER AMENDMENTS | PROPOSED CONDITIONS



■ Permitted Use | ■ Not Permitted



## **Attachment C**

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## 21A.60.020 LIST OF DEFINED TERMS

### DAYCARE

DAYCARE CENTER, CHILD.

~~DAYCARE, NONREGISTERED HOME.~~

~~DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL~~

DAYCARE, HOME

PRESCHOOL, HOME

### 21A.62.040: DEFINITIONS OF TERMS:

**DAYCARE:** Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children ~~under fourteen (14) years of age, under the age of thirteen (13), or under the age of eighteen (18) if the person has a disability;~~ in lieu of care and supervision ordinarily provided by parents in their own homes, ~~with or without charge, are engaged in providing child "daycare" for purposes of this title.~~ Such providers and their facilities shall be classified as defined herein and shall be subject to the applicable provisions of title 5, title 9, chapters 9.08 through 9.20, 9.28 through 9.40, and title 14, ~~chapter 14.36 of this Code,~~ this title, and applicable State law or their successors.

**DAYCARE CENTER, CHILD:** An establishment providing care and maintenance to ~~seven (7) or more~~ any number of children at any one time of any age separated from their parents or guardians. "Child Daycare Center" does not include: (i) home daycare; or (ii) care provided in a facility or program exempt under Utah State Code.

~~DAYCARE, NONREGISTERED HOME:~~ "Nonregistered home daycare" means a person who uses his/her principal place of residence to provide daycare for no more than two (2) children.

~~DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL:~~ "Registered Home daycare or preschool daycare" means the An accessory use of a principal place of residence to provide educational or daycare opportunities for children. under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider's own children under age seven (7).

**DAYCARE, HOME:** An accessory use of a principal place of residence to provide educational and/or daycare opportunities for children.

**PRESCHOOL, HOME:** See the definition of HOME DAYCARE.

## **~~21A.36.130: CHILD DAYCARE:~~**

~~**A. Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's own children, is permitted in the home of the care provider as set forth in chapter 21A.33, "Land Use Tables", of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts. A business revenue license or home occupation special exception approval shall not be required.~~

~~**B. Registered Home Daycare or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in chapter 21A.62 of this title, may be allowed as an accessory use as set forth in chapter 21A.33, "Land Use Tables", of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts as a conditional use pursuant to the provisions of chapter 21A.54 of this title. Registered home day cares shall be considered an administrative conditional use under section 21A.54.155 and be eligible for administrative approval under that section. Registered home day cares under this section are exempt from the noticing requirements in section 2.60.050 or its successor. The permittee shall also obtain appropriate licensing where applicable from the State pursuant to the Utah Code.~~

~~1. Permit; Application: An application for a residential home daycare or preschool must be submitted to the zoning administrator. As a part of the application, the applicant must submit the following documentation:~~

~~a. The number of children and employees; both total for the day and the expected maximum number to be on the premises at any given time;~~

~~b. The hours and days of operation; and~~

~~c. Proof of appropriate licensing from the State, where applicable, or basis upon which exemption therefrom is claimed.~~

~~2. Standards: All residential home daycare or preschools shall be subject to the standards set forth in chapter 21A.54 of this title and subject to the following specific standards:~~

~~a. The applicant resides at the home in which the business will be conducted;~~

~~b. At no time shall the applicant provide home daycare or home preschool services for a group of children exceeding the maximum specified for such facility;~~

~~c. The outdoor play area for the home daycare or home preschool shall be located in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood;~~

~~d. The use of the home for the services of providing childcare shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the home or the neighborhood;~~

~~e. The care and supervision of the children shall be conducted in a manner which is not a public nuisance to the neighborhood;~~

~~— f. There shall be no advertising of such occupation, business or service, no window or other signs or displays;~~

~~— g. No employees other than persons lawfully living in the dwelling;~~

~~— h. No play or yard equipment located in the front yard; and~~

~~— i. It is unlawful for any person to engage in a "registered home daycare or registered home preschool" as defined in section 21A.62.040 of this title without first obtaining a license pursuant to the provisions of chapter 5.04 of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation business licenses shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection 21A.36.030.I of this chapter.~~

### **C. ~~Child Daycare Center:~~**

~~1. Conditional Use Standards for Child Daycare Centers: A child daycare center may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title and the requirements and provisions of this subsection.~~

~~— a. Site Requirements:~~

~~— (1) Minimum Lot Size: Twenty thousand (20,000) square feet.~~

~~— (2) Location Requirements: The child daycare use shall be addressed on and oriented to an arterial street as shown on the City's major street plan.~~

~~— (3) Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.~~

~~— (4) Landscape Buffering: Any outside area where children are allowed must be fenced with a solid fence at least six feet (6') high. At least ten feet (10') five feet (5') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.~~

~~— b. Signage: Signs are limited to either one nonilluminated low profile identification sign, or one "flat sign" as defined in chapter 21A.46 of this title. The size of the sign shall be determined as part of the conditional use approval.~~

~~— c. Prohibitions:~~

~~— (1) Residential Demolition: No existing building containing a residential dwelling unit may be demolished to allow for the construction of a new conditional use facility for child daycare under this section.~~

~~— (2) Residential Conversion: The conversion of any existing residential structure or a conditional use allowed under this section shall not permit any major exterior or interior alterations of the building to be made which render the building substantially incompatible with the return to its use as a residence.~~

~~———— (3) No Variances: The planning commission shall not approve a childcare conditional use pursuant to this section if the appeals hearing officer would be required to grant a variance from any zoning condition.~~

~~———— (4) Six Hundred Feet Proximity: No conditional use allowed under this section may be within six hundred feet (600') on the same street frontage as another conditional use allowed under this section.~~

~~———— d. Application: The application for a child daycare center shall include, in addition to application submission requirements of chapter 21A.54 of this title, the following information:~~

~~———— (1) The number of children, employees, staff or volunteers; both total for the day and the expected maximum number to be on the premises at any given time;~~

~~———— (2) The hours and days of operation;~~

~~———— (3) The proposed signage; and~~

~~———— (4) The number, location and dimensions of any dropoff or pick up areas for either private transportation or public transportation.~~

~~———— e. Standards: Standards for approval shall include, in addition to standards of chapter 21A.54 of this title, the following:~~

~~———— (1) Specific Standards for Child Daycare Conditional Uses:~~

~~———— (A) The lot is of sufficient size to accommodate all required parking in the side and rear yards, or to the rear of the required landscaped setback in the front yard;~~

~~———— (B) The dropoff and pick up area is designed in a manner that vehicles do not back into a public street or the stacking or queuing of vehicles will not interrupt traffic flow on the public street; and~~

~~———— (C) The signage is appropriate for the area. (Ord. 64-21, 2021; Ord. 46-17, 2017)~~

### **21A.36.030: HOME OCCUPATIONS:**

A. Purpose: The purpose of this section is to permit the establishment of home occupations in all Residential Districts and within legal conforming single-family, duplex, and multi-family dwellings within all Commercial and Nonresidential Districts and ensure that the home occupations are compatible with the district in which they are located, having no negative impacts upon the surrounding neighborhood. Home occupations are intended to promote local and sustainable economic growth and development.

B. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be permitted subject to their compliance with the standards specified in subsection G of this section.

C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in subsection G of this section, are prohibited as home occupations:

1. Auto repairs;



2. Kennels;
3. Welding shops or machine shops;
4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);
5. Truck hauling;
6. Deliveries;
7. Stables;
8. Bottling plant;
9. Commercial bakery;
10. Industrial assembly;
11. Laboratory, medical, dental, optical;
12. Laboratory, testing; and
13. Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited.

D. Application: Applications for home occupations shall be filed with the Salt Lake City business licensing department. The applications shall include the following information:

1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
2. The expected hours of operation of the business;
3. The expected number of clients per hour and total expected number of clients visiting the home per day.
4. For Home Daycares, applicant must also submit the number and ages of children and the number of employees; both total for the day and the expected maximum number to be on the premises at any given time; along with proof of appropriate licensing from the State of Utah, where applicable, or basis upon which exemption therefrom is claimed.

E. License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in [chapter 21A.62](#) of this title without first obtaining a license pursuant to the provisions of title 5, [chapter 5.02](#) of this code. Prior to issuance of said license, the standards ~~criteria~~ set forth in this section must be satisfied and all applicable fees shall be paid. All home occupations ~~permits~~ shall be valid for one year, and may be renewed annually, ~~provided there have been no reported violations, subject to subsection I of this section.~~

F. Determination Of Completeness: Upon receipt of an application for a home occupation, the zoning administrator shall make a determination of completeness pursuant to section [21A.10.010](#) of this title.

G. General Standards: All home occupations shall comply with the following standards:

1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;

2. The dwelling unit must be the principal place of residence for the person(s) conducting the home occupation;

3. The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an approved home occupation;

4. The home occupation shall not be conducted in, nor in any way use, carport, or any portion of the yard. A home occupation may use a garage or other fully enclosed accessory structure provided all other standards in this section are met. As per section [21A.36.200](#) of this chapter, a home occupation license to distribute produce grown on the premises for off premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas; Outdoor play areas for home daycares are exempt from this requirement.

5. The home occupation work conducted at the residence shall not involve more than one employee from outside of the home, persons lawfully living in the residence may be employed;

6. Except for those vehicles identified by this chapter (urban farms), and the applicant's personal transportation, there shall be no vehicles or equipment stored outdoors, which would not normally be found at a residence. Service vehicles defined as an "automobile" in [chapter 21A.62](#) of this title which double as a personal vehicle such as taxicabs, limousine, or other vehicles used for mobile businesses and used for off site services may only be parked on site in a legal parking area;

7. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semitractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

8. No mechanical or electrical apparatus, equipment or tools shall be permitted in the home occupation except those which are commonly associated with a residential use or as are customary to home crafts, and which do not exceed two hundred twenty (220) volts;

9. Tools, items, equipment or ~~for occupations~~ which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited. Tools, items, and equipment used for the operation and maintenance of an urban farm must comply with those storage requirements itemized by section 21A.36.200 of this chapter;

10. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling;

11. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales, outlined in subsection G4 of this section;

12. Home occupations involving visitations from pedestrian or vehicular traffic shall only be conducted between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.; Home daycare pickup and drop-off are exempt from this requirement.

13. Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two (2) clients per hour, and no more than one client may be served at one time and not more than one place of vehicular parking shall be occupied by a client at any time. Client(s) shall include one or more person(s) with a unified interest in visiting the home occupation at one specific time; Home daycare pickup and drop-off are exempt from this requirement.

14. Only one nonilluminated nameplate, with a maximum sign face as specified in [chapter 21A.46](#) of this title, stating the name of the business or occupant and mounted flat against the building, shall be allowed. Except for the permitted nameplate, the home occupation shall not make or require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence that creates the appearance of a commercial operation, nor shall the home occupation provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence; and

15. Direct retail sales are prohibited. Incidental or secondary sales ensuing from the services provided in conjunction with the home occupation are permitted. Limited sales or distribution of produce grown from an urban farm shall be permitted as specified by section [21A.36.200](#) of this chapter.

16. For Home Daycares, group size shall not exceed 16 children in care, in accordance with Utah Administrative Code 430-90-10 or its successor;

17. For Home Daycares, the outdoor play area for the home daycare shall be located in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood. Outdoor play areas and playground equipment are prohibited in the front yard and corner side yard;

H. Decision By The Zoning Administrator: The zoning administrator shall issue a permit for the home occupation if they find that —1. The standards provisions of this title section are met.

~~—2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;~~

~~—3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;~~

~~—4. The home occupation will not negatively impact the future use of the property as a residence;~~

~~—5. The home occupation will not adversely affect the public health, safety or welfare; and~~

~~6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.~~

I. Loss Of Home Occupation Use: The zoning administrator may terminate any home occupation use upon making findings that support either or both of the following conclusions:

1. Any of the required licenses or permits necessary for the operation of the business have been revoked or suspended; or
2. Any of the provisions of this section have been violated.

J. Termination Of Home Occupation:

1. The licensee shall be responsible for the operation of the licensed premises in conformance with this code. Any business license issued by the city may be suspended or revoked per the provisions of title 5, [chapter 5.02](#) and this section.

K. Appeals:

1. Any termination of a home occupation may be appealed pursuant to the provisions of title 5, [chapter 5.02](#) of this code as if the termination were a business license revocation.

2. Any person adversely affected by the denial or issuance of a permit for a home occupation may appeal that decision to the appeals hearing officer pursuant to [chapter 21A.16](#) of this title.

L. Existing Home Occupation Licenses: Existing licenses for home occupations which were legal under the prior zoning ordinance regulating home occupations but which are not permitted under this title are subject to the provisions of [chapter 21A.38](#) of this title.

M. Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land. (~~Ord. 3-13, 2013~~)

**21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:**

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R-MU- 45	R-MU	RO
Daycare center, child	<u>P</u>	<u>P</u>	<u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>		<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	<u>C<sup>18</sup></u> <u>P</u>	P	P	P	P	P	P
Daycare, nonregistered home daycare	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>		<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>
Daycare, Registered home daycare or home preschool Daycare, Home	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>		P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>

18. Subject to section [21A.36.030.H](#) of this title.

**21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS**

Use	Permitted And Conditional Uses By District						
	CN	CB	CS <sup>1</sup>	CC	CSHBD <sup>1</sup>	CG	SNB
Daycare center, child	P	P	P	P	P	P	<u>P</u>
Daycare, nonregistered home daycare	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>	<u>P<sup>18</sup></u>
Daycare, Registered home daycare or home preschool Daycare, Home	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>	P <sup>18</sup>

18. Subject to section [21A.36.030.H](#) of this title.

**21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT STATION AREA DISTRICTS**

Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA_MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Daycare center, child	P	P	P	P	P	P	P	P
Daycare, nonregistered home daycare	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>
Daycare, Registered home daycare or home preschool Daycare, Home	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>

6. Subject to section [21A.36.030.H](#) of this title.

**21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS**

Use	Permitted And Conditional Uses By District	
	M-1	M-2
Daycare center, child	P	

**21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS**

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Daycare center, child	P	P	P	P
Daycare, nonregistered home daycare	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>
Daycare, Registered home daycare or home preschool Daycare, Home	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>

12. Subject to section [21A.36.030.H](#) of this title.



**21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT**

Use	G-MU
Daycare center, child	P
<del>Daycare, nonregistered home daycare</del>	<del>P<sup>6</sup></del>
<del>Daycare, Registered home daycare or home preschool</del> Daycare, Home	P <sup>6</sup>

6. Subject to section [21A.36.030.H](#) of this title.

**21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS**

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Daycare center, child	P	P	P					P		P	P	P	P	P			P
<del>Daycare, nonregistered home daycare</del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>	<del>P<sup>16</sup></del>
<del>Daycare, Registered home daycare or home preschool</del> Daycare, Home	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>

16. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section [21A.36.030.H](#) of this title.

**21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS**

Use	Permitted And Conditional Uses By District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Daycare center, child	<u>P</u>	P	P	P
<del>Daycare, nonregistered home daycare</del>	<del>P<sup>1</sup></del>	<del>P<sup>1</sup></del>	<del>P<sup>1</sup></del>	<del>P<sup>1</sup></del>
<del>Daycare, Registered home daycare or home preschool</del> Daycare, Home	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>

1. Subject to section [21A.36.030.H](#) of this title.

## **Attachment D**

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# CHILD CARE ACCESS IN UTAH

March 2020



**WORKFORCE  
SERVICES**  
CHILD CARE

# CONTENTS

Executive Summary .....	3
Introduction .....	4
Capacity of Utah’s Child Care System .....	6
Closing the Child Care Gap .....	14
Affordability .....	14
Policy Considerations .....	15
Conclusion.....	16
Appendix 1. Variable Distance Gap Analysis by County .....	17
Appendix 2. Heat Maps of Counties with the Greatest Need .....	18
Appendix 3. Estimated Child Care Programs Needed By County.....	19

Equal Opportunity Employer/Program • Auxiliary aids and services are available upon request to individuals with disabilities by calling 801-526-9240. Individuals who are deaf, hard of hearing, or have speech impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.



The state of Utah defines child care as care of a child by a responsible person who is not the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified setting.

## EXECUTIVE SUMMARY

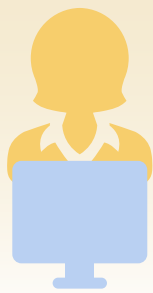
IN UTAH, AS WITH THE NATION, an increasing number of families have both parents in the workforce. This is due to several factors, including the economic need to have two incomes in order to meet the basic needs of their families. As a result, the majority of Utah children six years old or younger are living in families in which there is a child care need. Utah's current early child care and education system is unable to meet this need with the existing capacity of regulated child care programs. Increasingly, the challenges accessing child care is placing pressure on businesses to find reliable employees at a time when Utah is experiencing virtually full employment. In fact, the limited access to child care nationwide is resulting in a \$57 billion annual economic loss for employers, employees and taxpayers.

An analysis of child care data, as well as survey data, show Utah is experiencing a significant gap between the need for child care and the capacity of Utah's child care system to meet that need. Although government, business leaders and economic development experts should work together to close this gap, the choices that families make selecting a child care program for their young children demonstrates that the entire gap does not need to be closed by regulated child care programs.

- Utah has a 65 percent gap between the need for child care for children six years and younger and the capacity of regulated programs to fill that need.
- There is significant variation across the state regarding the size of the gap between child care need and child care capacity.
- Not all Utah families utilize regulated child care programs to meet their child care needs and many families rely on unpaid child care, or juggle work schedules with spouses to ensure one parent is at home caring for their young children.
- Utah needs to expand its early child care and education system to add approximately 274 licensed-center child care programs and 1,258 licensed-family child care programs to accommodate the preferences of Utah families.

# INTRODUCTION

UTAH'S ECONOMY IS CHANGING, contributing to significant changes for Utah families. This has led to an increased need for child care options. Utah's labor force, like the nation's, is increasingly consisting of women. In fact, the labor force participation rate among Utah women with children under six years old is 59 percent.<sup>1</sup> When economic conditions were different for families, oftentimes one parent, typically the mother, stayed home with young children while the other parent worked. Today, due to the high costs associated with raising a family, more women are entering the workforce. Additionally, even in families able to provide for their children on one income, women are increasingly choosing to work outside of the home. As a result of these economic and cultural changes, 47 percent of children under age six, living in two-parent households have both parents working. This increase of engagement in the labor force among adults raising children is increasing the demand for child care but is not the only factor putting pressure on Utah's early child care and education system. Utah's growing economy is leading to virtually full employment among the working age population.<sup>2</sup> As a result of these two factors, 54 percent of Utah children under six years old are living in families with a child care need and therefore require care from adults other than their parents.<sup>3</sup>



The labor force participation rate among Utah women with children under six years old is 59 percent

As the demand for child care by individuals other than parents increases in Utah, families are choosing a variety of early child care and education options including using informal, unregulated child care settings such as family members and neighbors, both paid and unpaid.<sup>4</sup> In addition to these informal care arrangements, families may select regulated, licensed early child care and education programs in either a large group, center-based setting or a smaller, home-based setting. These licensing options ensure that specific health and safety regulations are met and verified through unannounced inspections, and address additional components of quality that lead to kindergarten readiness among children in their care.

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1 Utah Department of Workforce Services, 2013-2017 Women in the Workforce, available at <https://jobs.utah.gov/wi/data/library/laborforce/womeninwf.html>.

2 Utah's unemployment rate was 2.3 percent in December 2019. This equates to full employment. For the most recent unemployment rate, visit [https://www.google.com/url?q=https://jobs.utah.gov/wi/update/index.html&csa=D&cust=1583168875014000&usg=AFQjCNH0RwFITJxq5j3JcOf9\\_VWmZBiDsw](https://www.google.com/url?q=https://jobs.utah.gov/wi/update/index.html&csa=D&cust=1583168875014000&usg=AFQjCNH0RwFITJxq5j3JcOf9_VWmZBiDsw).

3 Utah Office of Child Care analysis of the U.S. Census, 2018 1-Year estimates.

4 Throughout this brief, the terms "early child care and education programs" and "child care programs" are used interchangeably. These terms refer to programs serving children between the ages of 0 and 12 years old and do not include public education programs.



In addition to family and economic changes increasing the need for child care, the role and expectations of Utah's early child care and education programs are also resulting in significant changes for child care programs. These changes emerge from recent developments in the expanding field of brain science demonstrating the rapid brain development that occurs during a child's first three years of life. Early child care and education programs that support and nurture early development through high-quality care and education promote children's development and learning, effectively preparing children for kindergarten. The high-quality early child care and education programs are particularly effective for children experiencing economic hardship, English learners and children with special developmental needs. These positive outcomes have lasting implications for children, and economists have found that for every dollar invested in high-quality early child care and education programs there is at least an \$8 return on that investment.<sup>5</sup>

This new research is contributing to an expanding role and expectations for child care beyond simply providing a healthy and safe place for children to be cared for while parents are working. Increasingly, early child care and education programs are part of the education continuum of children and critical for preparing children for kindergarten. This role is a shift from the time when child care began expanding late in the last century as more women entered the workforce. At that time, child care was primarily a critical work support for parents and the cognitive and social development needs of children in care were secondary. Today, early child care and education programs are expected to go beyond providing a healthy and safe environment for children by preparing children for kindergarten. This added expectation and role of early child care and education providers adds requirements and costs on programs that are

often passed onto parents who are increasingly unable to afford high-quality child care. Even for care that is not necessarily high quality, the cost of child care for an infant may be as high as \$11,880 in urban counties or \$9,096 in rural counties, annually.<sup>6</sup>

These increasing demands on early child care and education providers—more need for child care and higher quality care—is limiting access to child care statewide. Throughout the state, these compounding pressures are an increasing concern for Utah employers who face challenges filling positions, as well as maintaining a stable workforce. Nationally, \$57 billion is lost each year in earnings, productivity and revenue due to the lack of affordable, reliable, high-quality child care.<sup>7</sup>

This issue brief addresses access to early child care and education in Utah. It analyzes Utah's current child care system and its capacity. It also provides an overview of the needs of the system to address the issue of access. To the extent possible, the analysis incorporates preferences of families with regard to the settings in which families prefer their young children to receive care. The brief concludes with a set of policy considerations for Utah in addressing these challenges.

These increasing demands on early child care and education providers—more need for child care and higher quality care—is limiting access to child care statewide.

5 Frances Campbell, Gabriella Conti, James J. Heckman, Seong Hyeok Moon, Rodrigo Pinto, Elizabeth Pungello, Yi Pan, Early Childhood Investments Substantially Boost Adult Health, 343 Science 1478-1485 (March 2014).

6 Utah Department of Workforce Services, Office of Child Care, 2017 Utah Child Care Market Rate Study, December 2017. Available at <https://jobs.utah.gov/occ/occmaket.pdf>.

7 Belfield CR. *The Economic Impacts of Insufficient Child Care on Working Families*. Washington D.C.; 2018. Available at <https://strongnation.s3.amazonaws.com/documents/522/3c5cdb46-eda2-4723-9e8e-f20511cc9f0f.pdf?1542205790&inline;filename=%22The%20Economic%20Impacts%20of%20Insufficient%20Child%20Care%20on%20Working%20Families.pdf%22>.

# CAPACITY OF UTAH'S CHILD CARE SYSTEM

THE SUFFICIENCY OF THE current system in meeting the needs of Utah families depends on the choices of those families with respect to the settings in which they prefer their young child to receive care. In evaluating the sufficiency of the system, two analyses are necessary to determine the system's needs: (i) quantitative analysis; and (ii) qualitative analysis. The quantitative analysis begins by addressing the child care need statewide and applies the existing capacity of the system to evaluate the degree to which the system is able to address that need.

## Quantitative Analysis of the Child Care Need in Utah

The initial analysis most often undertaken in determining a state's child care need relies on first determining the number of children, under age six, whose parents are working. In that analysis, there is an assumption that those families have a child care need. Once that figure is established, there is an evaluation of whether the system and its network of child care programs are able to address the needs.

Currently, 54 percent of Utah children under age six are living in families for which there is a child care need — 157,345 children.

Currently, 54 percent of Utah children under age six are living in families for which there is a child care need. This rate equates to 157,345 children.<sup>8</sup> The child care need varies throughout the state, with the highest rate of need in Grand County and the lowest in Daggett County.

County	Number of Children Under 6 w/Child Care Need	Rate of Children Under 6 w/Child Care Need
Grand	465	74%
Wasatch	1,904	69%
Summit	1,786	66%
Wayne	114	66%
Kane	331	62%
Weber	14,017	61%
Piute	65	58%
Salt Lake	58,834	57%
Garfield	184	54%
Morgan	636	53%
Sevier	929	53%
Carbon	803	52%
Sanpete	1,209	52%
Uintah	2,039	52%
Box Elder	2,931	51%
Juab	583	49%
Tooele	3,044	49%
Iron	2,271	48%
Millard	570	48%
Washington	6,735	48%
Davis	16,934	47%
Cache	5,962	46%
San Juan	627	45%
Emery	410	44%
Beaver	278	40%
Duchesne	952	40%
Utah	26,887	40%
Rich	67	34%
Daggett	13	32%

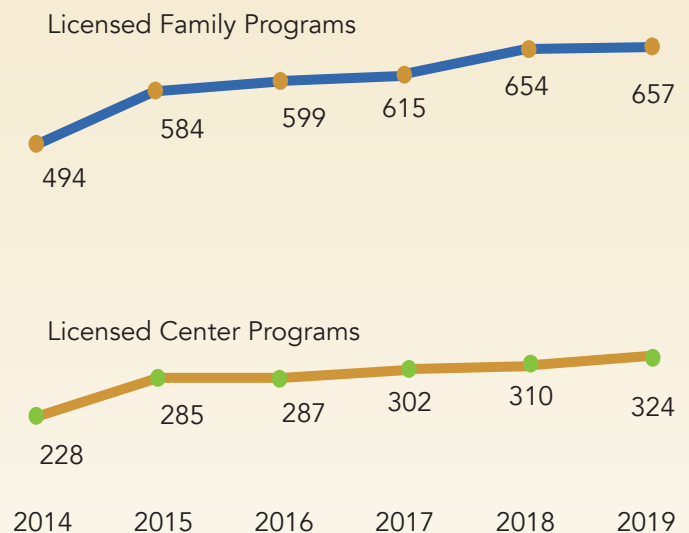
Source: U.S. Census, ACS 5-Year Estimates, 2013-2018.

<sup>8</sup> U.S. Census, Age of Own Children Under 18 Years in Families and Subfamilies by Living Arrangements by Employment Status of Parents, 2018: ACS 5-Year Estimates.

Utah provides an extensive network of child care programs to meet its child care need. Throughout the state, Utah's child care system affords options to families that support their choice and allow them to select the program that meets their needs. Families select child care programs based on multiple factors such as cost, proximity to work or home, setting type and level of quality. Given the options for families, it is often difficult to evaluate the gap between the need for child care and the capacity of the system to meet that need.

The state of Utah defines child care as care of a child by a responsible person who is not the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified setting.<sup>9</sup> Although a program may meet the definition of child care, the regulatory structure differs among types of child care programs. There are programs that are regulated and hold either a child care license or some other government certification, such as a residential care certificate or statutorily licensed-exempt status. In Utah, these types of child care programs are regulated by the state and subject to meeting specific health and safety requirements that are verified during unannounced, annual inspections. In addition, there are unregulated and informal child care settings families select for their young children. In these unregulated and informal settings, the arrangements fall outside the scope of the government. Typically, these arrangements include settings in which fewer than eight children are cared for, or the care may be provided by a relative or a neighbor. The state does not regulate these smaller child care settings. However, there are also instances in which child care programs caring for more than eight children are simply not operating legally and lack a business license or a child care license. This report is only able to analyze the child care system for programs that are formally regulated by the state.<sup>10</sup>

**Licensed Child Care Programs Increases**  
CY 2014–2019



*Source: Utah Department of Workforce Services, Office of Child Care.*

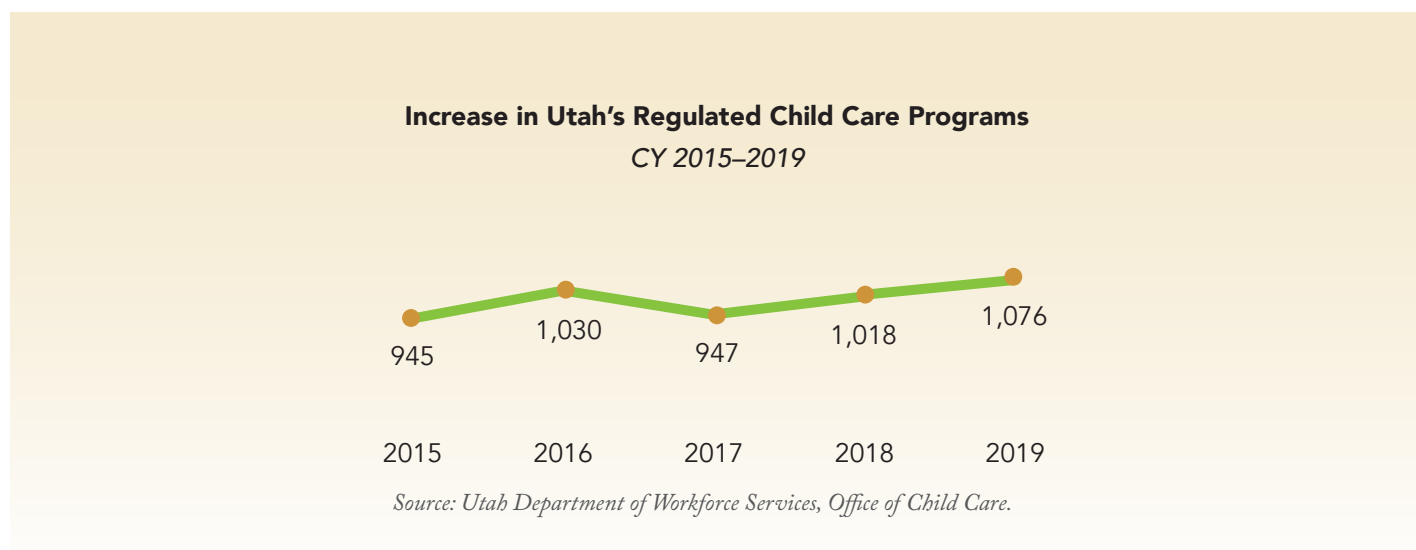
Given the options for families, it is often difficult to evaluate the gap between the need for child care and the capacity of the system to meet that need.

<sup>9</sup> Utah Code §35A-3-102.

<sup>10</sup> In addition to the regulated programs analyzed in this brief, there are approximately 30 Head Start locations and two early care and education programs operated by the United States Department of Defense.

Although there are more regulated child care programs throughout Utah in 2020 than there were in 2014, a large gap exists between child care capacity and child care need. Currently, Utah has 981 licensed child care programs throughout the state. In some parts of the state, there are no licensed child care center providers. Across all categories of regulated child care, the number of programs serving children statewide has increased between 2014 and 2019.

In addition to licensed programs, there are the previously mentioned categories of regulated child care programs that are not required to have a license, including programs that are legally, licensed-exempt.<sup>11</sup> Combined, the number of regulated programs has increased by 131 providers since 2015.



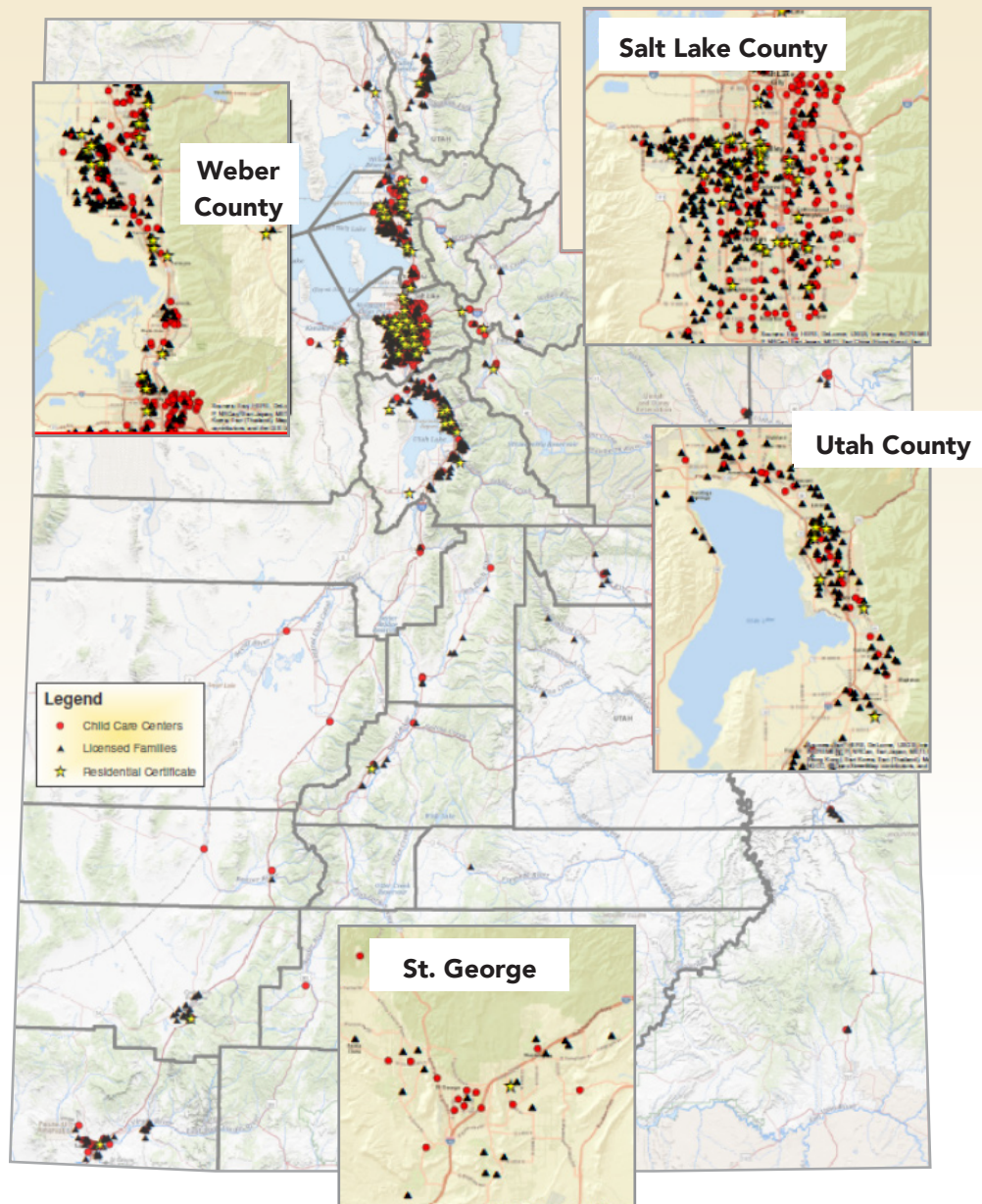
In addition to the regulated care that is available to all residents of Utah, there is a classification of child care arrangements regulated for families who are covered by child care subsidies administered by the Utah Department of Workforce Services. These subsidies are provided by the state to low-income working parents through the federally funded Child Care and Development Block Grant (CCDBG).<sup>12</sup> These individuals have an additional option for child care that is regulated by the state known as Family, Friend and Neighbor (FFN) child care. As required by CCDBG, these informal child care relationships still require an annual health and safety inspection, as well as training in first aid and CPR. Although Utah families who are not receiving child care subsidies may rely on a similar type of child care arrangement, only those for which CCDBG funding is used are identified as part of Utah's child care system.

<sup>11</sup> UT CODE §26-39-4.

<sup>12</sup> Child care subsidies are also provided to families enrolled in Utah's Family Employment Program which is funded through the Temporary Assistance for Needy Families federal block grant. These families are also allowed to use child care subsidies for FFN child care.

**Child Care Centers, Licensed Families, and Residential Certificate**

*March 2020*





As noted, 153,945 children under six years old need child care far exceeding the capacity of Utah's child care system. The capacity of the system is based upon the licensing capacity of each child care program. In February 2020, the entire system had capacity to care for 55,463 children under six years old.<sup>13</sup> As with the need for child care, the capacity of the system varies greatly throughout the state.

### Child Care Capacity by County

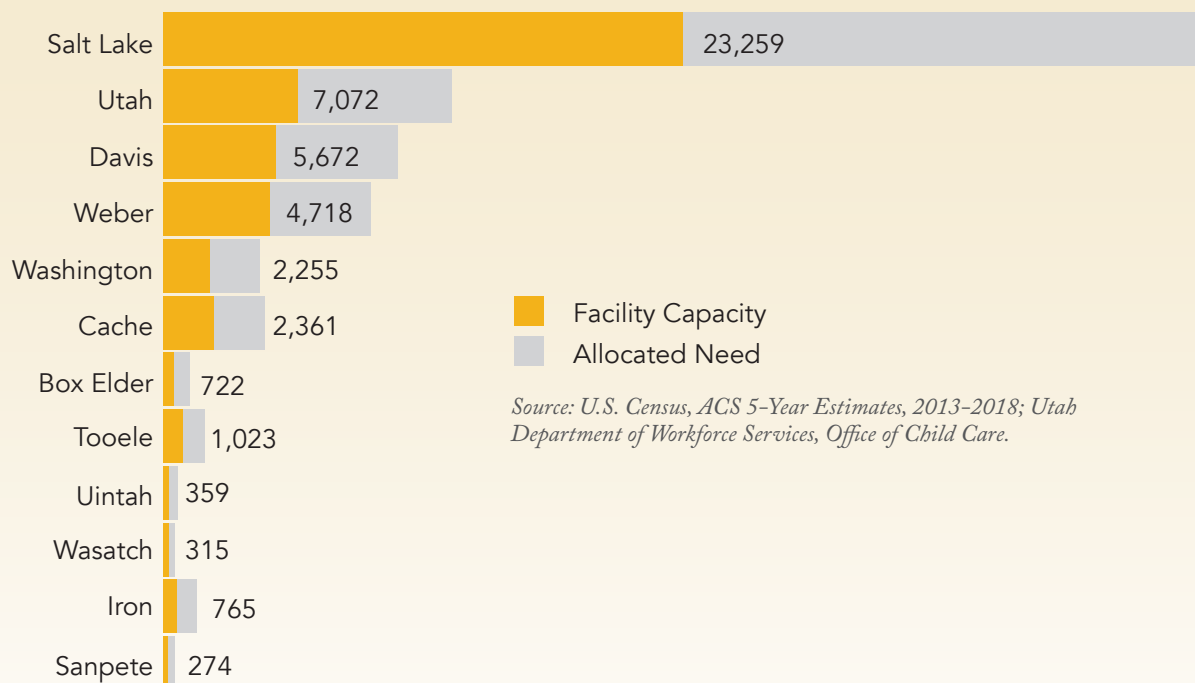
County	Children under 6 w/child care need	Child under 6 w/child care need	Facility Capacity
Beaver	40%	278	77
Box Elder	51%	2,931	590
Cache	46%	5,962	2,428
Carbon	52%	803	315
Daggett	32%	13	20
Davis	47%	16,934	5,321
Duchesne	40%	952	235
Emery	44%	410	156
Garfield	54%	184	36
Grand	74%	465	174
Iron	48%	2,271	781
Juab	49%	583	129
Kane	62%	331	20
Millard	48%	570	112
Morgan	53%	636	36
Piute	58%	65	20
Rich	34%	67	0
Salt Lake	57%	58,834	24,118
San Juan	45%	627	212
Sanpete	52%	1,209	275
Sevier	53%	929	352
Summit	66%	1,786	924
Tooele	49%	3,044	992
Uintah	52%	2,039	327
Utah	40%	26,887	6,404
Wasatch	69%	1,904	315
Washington	48%	6,735	2,302
Wayne	66%	114	28
Weber	61%	14,017	4,988

Source: U.S. Census, ACS 5-Year Estimates, 2013-2018; Utah Department of Workforce Services, Office of Child Care.

13 Bipartisan Policy Center analysis of Utah's early child care and education programs and capacity by program type.

This quantitative analysis reveals that Utah’s regulated child care system is only meeting 35 percent of the state’s child care need, leaving a gap of 65 percent between the need and the capacity. The gap is even greater when the need is analyzed by evaluating the distance between child care programs and where children under six with a child care need reside. APPENDIX 1. Variable Distance Gap Analysis by County. This variable distance gap analysis assumes that access to a child care provider should be no more than 3.5 miles in urban counties and no more than 10 miles in rural communities. This analysis demonstrates that the gap in urban counties increases to 70 percent, and in rural counties is unchanged at 65 percent. The county with the largest gap is Salt Lake County.

**Child Care Capacity vs. Remaining Need**  
*Counties with Highest Gap Based on Variable Distance Methodology*



This analysis demonstrates that the gap in urban counties increases to 70 percent, and in rural counties is unchanged at 65 percent.



Utah’s child care gap is considerable under either the simple quantitative gap analysis or the variable distance gap analysis. In addition to the capacity needs, vacancies in existing programs are another consideration in evaluating access to child care for Utah families. The evaluation of vacancy rates is an indication of demand and may show that in some areas, child care programs have waiting lists. In many programs, there are greater numbers of vacancies for specific age groups, as is the case with infants where the vacancy rate tends to be lower than for preschool-age children. As a result, finding a child care program that is able to care for an infant is often challenging. The factors contributing to the low vacancy rate for infant care are the high demand for infant care among families and the fact that not all child care programs provide child care to infants.<sup>14</sup>

County	Vacancy Rate	Vacancy Rate Infants and Toddlers
Beaver	48%	30%
Box Elder	7%	6%
Cache	20%	21%
Carbon	24%	20%
Davis	8%	9%
Daggett	N/A	N/A
Duchesne	8%	6%
Emery	39%	30%
Garfield	0%	0%
Grand	20%	9%
Iron	9%	9%
Juab	4%	0%
Kane	N/A	N/A
Millard	29%	67%
Morgan	0%	0%
Piute	N/A	N/A
Rich	N/A	N/A
Salt Lake	8%	7%
San Juan	7%	40%
Sanpete	27%	11%
Sevier	24%	16%
Summit	13%	5%
Tooele	4%	4%
Uintah	7%	8%
Utah	13%	12%
Wasatch	12%	17%
Washington	15%	9%
Wayne	0%	0%
Weber	7%	7%

Source: Care About Childcare.

When these quantitative factors are combined, it may seem that Utah has a child care crisis that is potentially damaging to Utah’s economy. The data indicate a greater need for child care than there is availability across the state, resulting in a need to increase the number of child care programs statewide. Although accurate to an extent, the analysis must incorporate additional factors such as family choice. It is clear from the data that not all families with a child care need select regulated child care and instead rely on smaller, informal child care arrangements. As a result, the network of child care businesses only needs to expand to the extent that families are using, or will use, child care in those settings.

14 Infant care is the most expensive age group to care for given the caregiver-to-child ratio of 1:4 and a group size limited to eight children.

## Qualitative Analysis of the Child Care Need in Utah

In 2017, the Office of Child Care, in partnership with the University of Utah, conducted the Utah Parental Child Care Survey to evaluate the extent to which parents of children under six years old needed child care. The survey revealed that among those requiring child care and using paid child care, families are choosing a variety of child care settings.<sup>15</sup> This is also the case with the families who receive child care subsidies from the state.

Child Care Type	Private Pay Child Care	Child Care Subsidy Population
Family, Friend or Neighbor Setting	11%	5%
Family Group Care Setting	38%	28%
Child Care Center Setting	47%	66%

The survey also revealed that there is a small percentage of families for whom there is a child care need being met through unpaid child care arrangements. In those situations, families most often reported that they are relying on relatives and neighbors willing to provide free child care or juggling work schedules between parents to ensure that one parent is always home with the child.<sup>16</sup> The survey did not evaluate whether the unpaid child care arrangements were the result of economic constraints or family choice.

When combining paid and unpaid child care relationships, among the 35 percent of families in the survey that are utilizing child care outside of the home, the setting types are almost equally divided across the three traditional types of settings, with a preference toward smaller child care settings. In small, less populated counties, that type of care is most likely to be available, whereas in urban counties, child care centers are more widely available. The preference for child care setting types expressed by the Utah survey respondents align with the national survey results.<sup>17</sup>

Child Care Type	Child Care Outside the Home
Family, Friend or Neighbor Setting	27%
Family Group Care Setting	28%
Child Care Center Setting	35%
Other Child Care Setting	10 %

<sup>15</sup> In addition to the child care types listed in the data, the remaining 4 percent of respondents utilized other types of paid care such as afterschool, older siblings and other.

<sup>16</sup> In unpaid child care arrangements, 25 percent of respondents reported relying on relatives or neighbors and 34 percent reported that they are juggling work schedules with their spouse.

<sup>17</sup> Belfield, Clive R., *The Economic Impacts of Insufficient Child Care on Working Families*, Council for a Strong America (September 2018), available at <https://strongnation.s3.amazonaws.com/documents/522/3c5cdb46-eda2-4723-9e8e-f20511cc9f0f.pdf?1542205790&inline;%20filename=%22The%20Economic%20Impacts%20of%20Insufficient%20Child%20Care%20on%20Working%20Families.pdf%22>.

# CLOSING THE CHILD CARE GAP

THE RESULTS OF THE 2017 parent survey are instructive in evaluating the extent to which the 65 percent child care gap in Utah needs to be closed through the establishment of regulated child care providers. In applying the parent choice discussed above, there are 98,482 children under six years old with a child care need. Based on the survey responses, 73 percent of parents with a child care need are utilizing paid care and 27 percent are using unpaid care. As a result, approximately 71,892 children will utilize paid care. It is clear from the preferred settings of families that the regulated child care system does not need to meet the needs of all of these children. In fact, the parent preferences discussed above and applied to this gap demonstrate that regulated child care needs to accommodate an estimated 45,292 children or 46 percent of the need. It is assumed that the remaining 47 percent of the need is addressed through informal, unregulated and even unpaid child care arrangements.

In Utah's licensing system, a licensed family child care program may be licensed to serve a maximum capacity of either eight or 16 children, depending on the licensing type. Among child care programs serving more than 16 children, the program is required to be licensed as a child care center. Utah's licensed-centers care for an average of 92 children in each child care program. Among the 45,292 estimated to utilize paid child care, approximately 20,130 will receive care in a licensed-family child care setting and 25,162 children will receive care in a licensed-center child care setting. In meeting the needs of these children, it is estimated that Utah will need to expand its early child care and education system to add approximately 274 licensed-center child care programs and 1,258 licensed-family child care programs to accommodate the preferences of Utah families. APPENDIX 3. Estimated Child Care Programs Needed by County.

## AFFORDABILITY

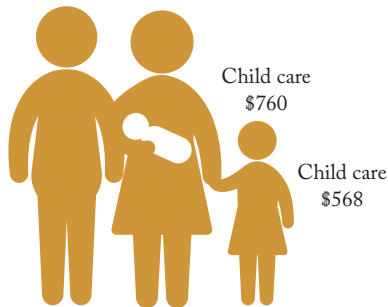
Every three years, the Office of Child Care is required to conduct a survey of licensed child care programs to determine the rates they charge families throughout the state. Between 2015 and 2017, the median rate child care programs charged families increased approximately 13 percent for infants, the most expensive care, to \$9,120 annually. For a single parent household, this represents 15 percent to 19 percent of household income; and for a married couple household, between 8 percent and 10 percent of household income, depending on the child care setting.

The issue of affordability is one often addressed through the use of CCDBG funds. This funding allows states to provide subsidies to low-income, working families earning as much as 85 percent of the State Median Income (SMI) threshold and places limits on families' out-of-pocket expenses. In Utah, child care subsidies are provided to families earning 60 percent or less of SMI, which equates to \$46,236 for a family of four. The subsidies continue for families up to 75 percent of SMI, which equates to \$57,792 for a family of four. For these families, Utah requires that they contribute a copayment, which is capped at no more than 10 percent of a family's income. For the 46 percent of working families receiving child care subsidies and living at or below the federal poverty level, there are no copayments.<sup>18</sup> As a result of the child care subsidy program, low-income working families pay a significantly smaller portion of their income to child care than those earning slightly more than 60 percent of the state median income.

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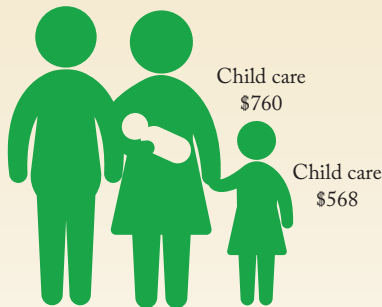
<sup>18</sup> The rate of a family's copayment varies and depends on the amount of annual income and the number of children in child care. For example, those with the lowest income will pay no more than 9 percent of income on the copayment. As income increases, the co-payment increases to as much as 10 percent.

**Family Eligible for Subsidies**  
Income \$46,236



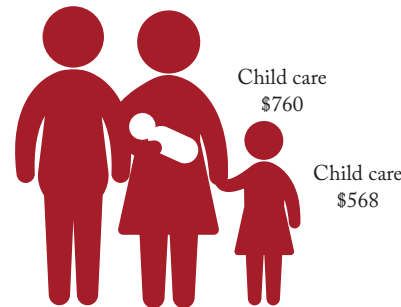
Child care \$760  
Child care \$568  
Total cost of care \$1,328  
Subsidy \$1,208  
Cost = \$346/mo. or \$4,161/yr.  
**Cost = 9% of income**

**Family Income**  
\$47,000



Child care \$760  
Child care \$568  
Total cost of care \$1,328  
Subsidy \$0  
Cost = \$1,328/mo. or \$15,936/yr.  
**Cost = 34% of income**

**Family Income**  
\$77,060



Child care \$760  
Child care \$568  
Total cost of care \$1,328  
Subsidy \$0  
Cost = \$1,328/mo. or \$15,936/yr.  
**Cost = 21% of income**

For a family that is just over the income threshold for eligibility to receive child care subsidies, this family may be expending as much as 38 percent of their income on child care. In these families, child care becomes a significant burden on household budgets and may result in these families making the economic decision to have one parent stay home with their young children rather than pay for child care outside of the home.

## POLICY CONSIDERATIONS

AS WITH MOST CHALLENGES Utah faces, the issue of addressing child care access is not one that can be solved by government alone. It requires the partnership of local and state governments, businesses, philanthropy and nonprofit organizations. It is also an area ripe for innovation across all of these groups. The following provides possible policy considerations to address the issues of child care affordability and child care capacity.

### Affordability

- Employers include child care expenses in employee benefit packages.
- Expand eligibility for child care subsidies, to the extent practicable, with CCDBG funds.

- Utilize CCDF to offset the costs associated with increasing child care program quality, to ensure these costs are not passed onto consumers.

## Increasing Capacity

- Encourage significant developments to incorporate the building of child care facilities by providing incentives such as: state corporate income tax credits for child care facilities built in Opportunity Zones, local property tax abatement for developments that incorporate child care facilities and zoning density bonuses that incorporate child care facilities.
- Include child care access in long range planning, such as housing developments, land use planning, as well as plans that include increasing access to employment.
- Incorporate child care access in economic development incentive packages and include the number of child care jobs established in the post-performance job creation measures.
- Expand access to economic development incentives for the establishment of child care programs in high need communities.
- Combine private and public funding to offer small business loans or grants to new child care programs opening in areas of the state where there is high need.
- Businesses establish child care collaboratives to open and operate child care programs in partnership with high-quality child care providers.
- Local governments partner with employers to rehabilitate and retrofit vacant buildings to operate as licensed child care programs.
- Regional Child Care Resource & Referral agencies coordinate with the Office of Child Care to increase efforts to recruit more child care providers in counties with high child care needs.

# CONCLUSION

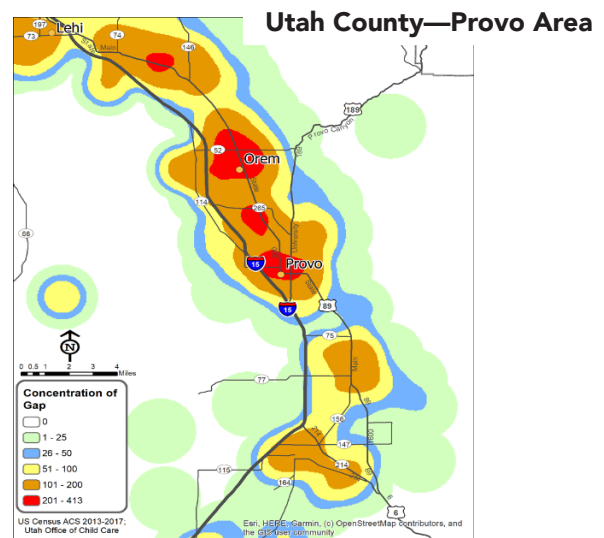
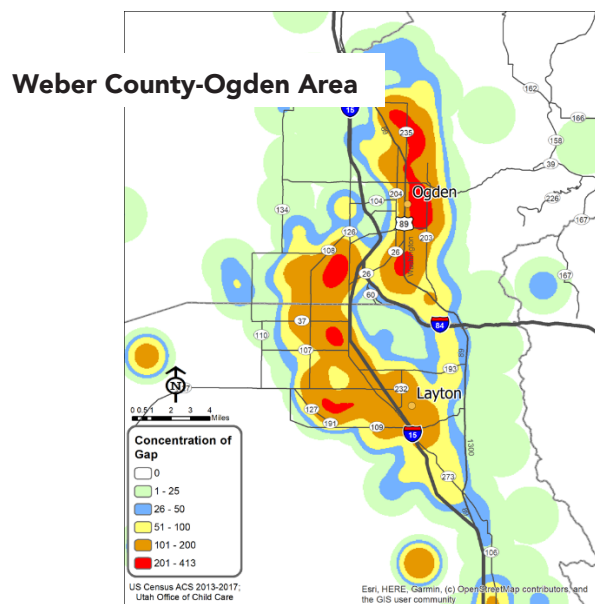
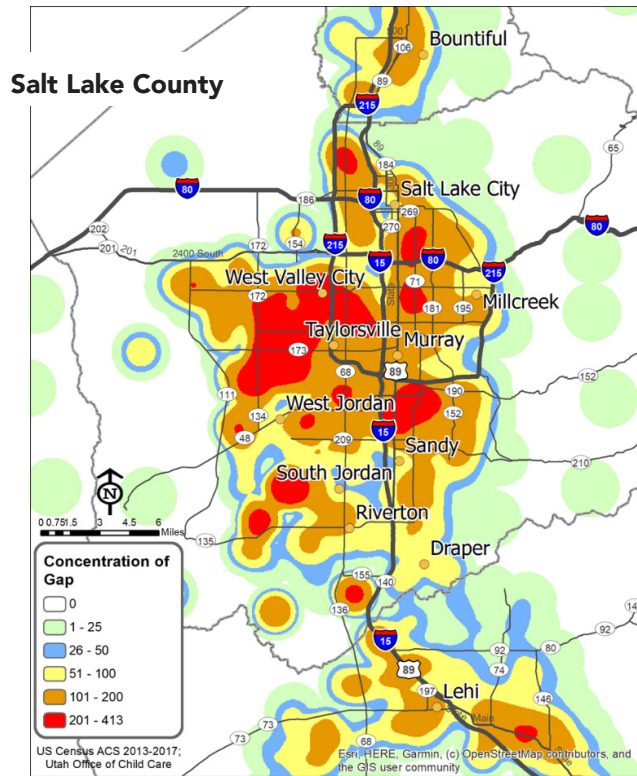
UTAH HAS AN EXISTING CHALLENGE regarding child care access that is impacting both the economics of the state and the economics of families. Its current early child care and education system lacks the capacity to meet the child care needs of families. Throughout Utah, the need is not uniform, with some counties having a greater need for child care than others. Although there is a significant gap between the need for care and the capacity of the existing child care system, not all families with a child care need are choosing regulated child care. However, this analysis establishes a need for Utah to increase the capacity of its regulated child care system.

There are several opportunities for partnership among state government, business leaders, economic development agencies and long-term planners to work together to address the need. Together, these interested parties will ensure that parents seeking employment are engaged in the workforce, benefitting not simply the economics of their families but also the economics of Utah.

## APPENDIX 1. Variable Distance Gap Analysis by County

County	Children under 6 with Parents in the Labor Force	Facility Capacity	Allocated Need	Gap	Gap%
Beaver	278	77	77	201	72.3%
Box Elder	2,931	590	722	2,209	75.4%
Cache	5,962	2,428	2,361	3,601	60.4%
Carbon	803	315	306	497	61.9%
Daggett	13	20	0	13	100.0%
Davis	16,934	5,321	5,672	11,262	66.5%
Duchesne	952	235	206	746	78.4%
Emery	410	156	125	285	69.5%
Garfield	184	36	36	148	80.4%
Grand	465	174	174	291	62.6%
Iron	2,271	781	765	1,506	66.3%
Juab	583	129	129	454	77.9%
Kane	331	20	20	311	94.0%
Millard	570	112	112	458	80.4%
Morgan	636	36	88	548	86.2%
Piute	65	20	20	45	69.2%
Rich	67	0	0	67	100.0%
Salt Lake	58,834	24,118	23,259	35,575	60.5%
San Juan	627	212	128	499	79.6%
Sanpete	1,209	275	274	935	77.3%
Sevier	929	352	354	575	61.9%
Summit	1,786	924	878	908	50.8%
Tooele	3,044	992	1,023	2,021	66.4%
Uintah	2,039	327	359	1,680	82.4%
Utah	26,887	6,404	7,072	19,815	73.7%
Wasatch	1,904	315	315	1,589	83.5%
Washington	6,735	2,302	2,255	4,480	66.5%
Wayne	114	28	20	94	82.5%
Weber	14,017	4,988	4,718	9,299	66.3%

## APPENDIX 2. Heat Maps of Counties with the Greatest Need



### APPENDIX 3. Estimated Child Care Programs Needed By County

County	Licensed centers	Licensed family programs
Beaver	<1	3
Box Elder	6	28
Cache	10	46
Carbon	1	6
Daggett	<1	<1
Davis	31	144
Duchesne	2	10
Emery	1	4
Garfield	<1	2
Grand	1	4
Iron	4	19
Juab	1	6
Kane	1	4
Millard	1	6
Morgan	2	7
Piute	<1	<1
Rich	<1	1
Salt Lake	99	454
San Juan	1	6
Sanpete	3	12
Sevier	2	7
Summit	3	12
Tooele	6	26
Uintah	5	21
Utah	55	253
Wasatch	4	20
Washington	12	57
Wayne	<1	1
Weber	26	119





**WORKFORCE  
SERVICES**  
CHILD CARE

## **Attachment E**

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**From:** [Melinda Young \(DHHS\)](#)  
**To:** [Barlow, Aaron](#); [Younger, Cassie](#)  
**Subject:** (EXTERNAL) Info you requested  
**Date:** Monday, July 31, 2023 5:20:09 PM

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**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Hi Cassie and Aaron,

Thank you for initiating a conversation with Child Care Licensing. Anything we can do to work together to help our child care providers out is greatly appreciated.

Here is information that I have been sending to other cities that have been also asking about the two facilities:

The allowance for a provider to have 2 facilities was discussed in the Residential Child Care Licensing Advisory Committee (now the Child Care Provider Licensing Committee) meeting on May 12, 2022. This discussion came about after House Bill H.B.15 established a raised number of children for unlicensed residential child care.

There was a proposed rule change to Child Care Licensing R430-90-3(1). The rule change has been submitted to legislation for approval which is required by CCL. CCL is still waiting for approval so that the rule can reflect the change.

The Child Care Provider Licensing Committee approved the rule change which then allows CCL to practice that rule.

Right now, there is no recorded document of the rule change except for the proposal and approval of the committee in the minutes from the May 12, 2022 meeting. I have attached those for your review.

<https://childcarelicensing.utah.gov/wp-content/uploads/Home-Minutes-05122022.pdf>

The current written rule that covers that the provider shall be present 50% of the time can be found here:

<https://docs.google.com/document/d/1zGAZYtdbX8SJuy-Hz5rMHju-kqr0ruWPW02ReXYLU2I/edit>

CCL has also submitted a rule change to this rule, in the September Child Care Licensing Committee Meeting adding the wording "provider designee" so the rule would read as follows:

R430-90-7. Personnel and Training Requirements. (1) The provider or the provider designee shall be present at the home at least 50% of the time each week the program is open for business.

Here is that document that was submitted and approved at the committee meeting:

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:0852d705-22d3-36eb-8226-6972cdaaaaba>

In order to help providers meet the 50% of the time requirement, a variance can be given to the provider as long as there is a Provider Designee that meets the following conditions:

The provider must have a provider designee who will be at the home when the provider is not and the provider must ensure that person:

- at least 18 years old;
- is considered eligible by a CCL background check before becoming involved with child care;
- receives at least 2-1/2 hours of preservice training before beginning job duties;
- knows and follows any applicable laws and requirements under Rule 430-90; and
- completes at least 20 hours of child care training each year based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year.

Child Care Licensing also has a rule that providers are to be in compliance with their local city ordinances. This means that not only do providers have to meet the requirement of Child Care Licensing, but if their individual city has requirements for licensing a home facility, those must also be met. So, if a city does not approve a second location CCL cannot license the facility either.

I hope this helps in your discussion.

**Melinda Young (She, her, hers)**

CCL Homes Team Manager

O: 888.287.3704 C: 801.721.6496

[melindayoung@utah.gov](mailto:melindayoung@utah.gov)

[childcarelicensing.utah.gov](http://childcarelicensing.utah.gov)

[dhhs.utah.gov](http://dhhs.utah.gov).



<https://www.facebook.com/childcarelicensingUT>

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