

SALT LAKE CITY LAND USE APPEALS HEARING OFFICER  
APPEAL OF ADMINISTRATIVE DECISION  
PETITION NO. PLNAPP 2018-00763  
845,853,856,857,860 and 925 East 700 South  
PUBLIC HEARING HELD MARCH 14, 2019  
DECISION ISSUED APRIL 1, 2019

This appeal addresses the question of whether Salt Lake City ordinance allows artificial turf to be installed in front yards and parking strips in the low density multi-residential zone. Annie Hildebrandt (“the Appellant”) requested a de novo review of the administrative finding that such turf is not allowed and appeals the resulting enforcement order requiring them to re-plant the front yards and parking strips of several properties they own.

On March 14, 2019, a public hearing was held on this matter and appearances were made by the Appellants along with representatives of Salt Lake City. Public comment was heard from the contractor who installed the artificial turf, residents of the neighborhood and other individuals who wished to express support of the allowance of artificial turf. The Public Hearing along with the written submissions of the parties, neighbors and the staff report prepared by Salt Lake City form the basis for this review.

Although Salt Lake City issued an administrative decision on this matter, this hearing is de novo, with no deference given to the previous interpretation and findings. *Salt Lake City Code* Section 21A.16.030 (E1).

The Appellants raise three issues; (1) that the rules forbidding artificial turf are not easily searchable or findable on Salt Lake’s website, (2) that the policy determination to forbid artificial turf in front yards and parking strips makes no environmental sense, given that the turf is allowed in back yards and, (3) that artificial turf has positive benefits and should be allowed.

The ordinances governing front yard and parking strip landscaping involve both regulations and definitions setting forth the meaning of relevant terms. The Salt Lake City Code itself can be found with a Google search and once found, a tab that allows searches of words or phrases. Although not all parts of the relevant ordinance are in the same place in the City Code, the information is present and findable with searches relating to landscape, landscaping, parking strip, plants, and mulch.

During the hearing, Appellants asserted that the inaccessibility of the ordinances was exacerbated by lack of a specific ban on artificial turf. Although that phrase is not referenced with regard to front yards or parking strips, the ordinance does set forth what treatments are allowed.

The provisions governing front yards talk about “landscape yards” and specifically reference the definition of terms. 21A.48.090. The ordinance describes how much of the front yard should be covered in live plant material and indicates “Mulches such as organic mulch, gravel, rocks and boulders shall be a minimum depth of three inches to four inches....dependent on the material used to control weeds and erosion in unplanted areas and between plants...” *Id.*

And mulch is further defined as “Any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.” 21A.62.040. Although reading the ordinance requires moving between the rules themselves and definitions, this does not make the information unavailable.

While having slightly different language, the provisions governing park strips are essentially the same, requiring plant material and allowing hard surface material or “gravel, rocks and boulders.” 21A.48.060.E. The ordinance states that “The intent of this section is to provide a palette of allowed plant, organic and/or natural materials that allow for creative landscaping, maintain a healthy street tree canopy, and create an attractive pedestrian environment while encouraging actual, not merely perceptual, water conservation. In many instances, a water wise turf grass/sod remains the most effective park strip plant material.” The definition of turf specifically excludes “inorganic substitutes.” *Id.*

Although the ordinance does not include a list of forbidden lawn treatments, it does include a specific recounting of allowed materials. This policy decision by the drafters of the ordinance is a reasonable one, given the likely futility of attempting to list every forbidden treatment or material. The ordinance is not so difficult to locate or comprehend as to make it unenforceable.

Both the second and third arguments assert policy reasons in support of allowing artificial turf in front yards and parking strips. Because the Appeals Authority has no jurisdiction to make policy decisions, these arguments cannot be addressed herein and should be addressed to the City Council or Planning Commission. Salt Lake City Code Section 21A.06.040 (B)(1).

Based on the substantial evidence in the record, described above, the administrative interpretation of the Salt Lake City code provisions relating to landscaping in front yards and parking strips is upheld. Consequently, the appellant must comply with the Salt Lake City enforcement order requirement removal of the artificial turf.

Dated this 1<sup>st</sup> Day of April, 2019.

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Mary J. Woodhead, Appeals Hearing Officer