

# Chapter



# Introduction

*The Copperton Township General Plan contains policies, which will be used by the Salt Lake County Council, the Township Planning Commission and Planning Staff as a guide in making land use decisions in the Copperton Township. The goal of the Plan is to direct the orderly, sensitive growth within the area while retaining and protecting the historic small-town character and existing quality of the natural environment.*

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This Plan will serve as a guide and its policies are a reflection of a community vision, understanding that change in the area will happen. The plan recommendations allow and encourage imaginative development so that the relationship to existing development, investments to homes and property, and the surrounding mine operations are protected. Care has been taken to respect both large and small property owners' rights while promoting the public interest and the overall interest of the community in the present and for the future.

### Vision for the Future

One of the forces that motivate individuals is their dreams and visions of the future. In order to function as viable entities, communities must also have a vision of the future. The feeling of “community” that is evident in most successful cities exists in part because of a defined vision. This community vision helps create the feeling among the citizens that they are in control of their own destiny.

A comprehensive general plan sets forth the guidelines for achieving the community vision. The plan includes goals, objectives, policies and implementation strategies that support and promote the common vision. Adherence to a plan is much more likely to allow a city to realize a vision than are random, undirected decisions.

Most general plans are built upon some concept that is a basic component of the community vision. This concept may be related to such issues as environmental protection, economic development, urban form, transportation systems, or a combination of such issues. The broad policies and goals that drive a plan must be determined by the community and should reflect the aspirations and vision of its residents.

Over the past 18 months, the public has offered a tremendous amount of input on the future direction of Copperton. Citizen input has provided the basis for a generalized vision of the Township. The citizens of Copperton have expressed a strong desire to maintain a community with its basic livability intact. Citizens have indicated there are quality-of-life components that should not be sacrificed for growth or economic prosperity. These include open-space preservation, preservation of the town's historic character, air and water quality, safety and security, and good public services. The challenge is to continue to accommodate growth while protecting the quality-of-life components that residents of Copperton find so important.

In addition, new planning ideals have been verbalized in the community and throughout Wasatch Front as a whole, as desirable ways in which to grow and function. Of key significance to these new ideals are the ways in which land uses are integrated and designed, and the manner in which urban mobility is achieved.

Much of what has developed in the neighboring communities of the western Salt Lake Valley and across the Country over the past 40 years has been designed to accommodate and even dictate automobile travel. This automobile orientation has led to negative impacts that contradict the quality-of-life components that Copperton residents treasure:

- Isolation of individuals and families from their neighbors
- Loss of neighborhood feel and integrity
- Loss of personal time as individuals commute greater distances to work and shop
- Dramatically increased traffic congestion
- Steadily worsened air quality.

What the residents and property owners have voiced as part of the new General Plan is a desire to explore land use and design concepts that reduce reliance on the automobile and enhance options for pedestrian, bus and other transit modes of travel. This concept involves the following changes:

- Increased acceptance of mixed-use projects
- Higher residential densities
- Buildings located at the sidewalk rather than behind vast parking lots
- A return to how small towns were designed in the years before World War II, when citizens were less dependent on cars. These older town designs, much like Copperton, may be updated with the modern concepts of transit and architecture in which neighborhoods again become social activity centers.

Based on citizen input and the planning process conducted over the past year, a narrative vision of the future Township has been prepared as follows:

### Visioning

is simply a process by which a community envisions the future it wants, and plans how to achieve it. It brings people together to develop a shared image of what they want their community to become. Once a community has envisioned where it wants to go, it can begin to consciously work toward that goal.

- A) *The Copperton Township of the future will be a community that will see considerable growth but that has clearly maintained a desirable quality of life. The environmental, cultural, social and economic components of quality of life will be maintained in a healthy balance. There will be employment opportunities for residents of the Township and a sound natural environment that includes excellent air and water quality, abundant open space and developed parks, urban wildlife and wildlife habitat areas.*
- B) *Each of the smaller neighborhoods within the Township will develop an employment base and shopping opportunities and will be generally self-sufficient. Self-sustaining communities and a viable regional transit system will reduce intercommunity vehicle travel throughout the region.*
- C) *The Copperton Township will be characterized by neighborhoods that are well defined by geography and design, and by the social interaction of the residents. There is a feeling of place in these neighborhoods and individual identity has not been lost. A mix of diverse life-styles within the neighborhoods will be accepted and encouraged.*
- D) *Innovative zoning methods will integrate uses into the neighborhood fabric rather than separate them. Shopping and employment centers will be located within easy access to residential areas and true mixed development will evolve. This integration of uses will significantly reduce traffic in neighborhoods, the Township and region as a whole.*
- E) *The Copperton Township will provide diverse housing that will include a variety of housing types, densities and costs enhancing the historic heart known as Copperton.*
- F) *Open-space preservation, sensitive landscaping and connectivity will create a community that is aesthetically pleasing. The close proximity and easy access to the Oquirrh Mountains and foothills will integrate a network of parks and trail systems as one of the focal points for the future of the Copperton Township.*
- G) *In summary, the Copperton Township will grow in stature as a unique and desirable Wasatch Front urban community. People from across the region will visit Copperton and many will desire to move here because of its outstanding quality of life. Likewise, businesses will find the economic climate exceptional, and as such contribute to the diversity of the Township. With adherence to this plan and its policies and recommendations, the Copperton Township will continue to sustain growth and development, and foster a healthy, attractive and desirable community.*

### Lester R. Bittel

**“Good plans shape good decisions. That’s why good planning helps to make elusive dreams come true.”**

It will be a challenge to achieve all of the components of this vision. Not all preferences can be achieved because some are in conflict; however, the Copperton Township has chosen to visualize and conceptualize the future and adopt a plan to achieve the common vision. To do otherwise would allow the cherished quality of life enjoyed in Copperton to disintegrate. Therefore, the general vision outlined above provides the base for the proposals, goals, objectives and implementing policies set forth in the General Plan that follows.

**Plan Organization and Administration**

Two primary components constitute the *Copperton Township General Plan*, these are:

- The General Plan Document, that incorporates the goals, objectives and implementing policies
- The Future Land Use Map that graphically represents the Township’s existing and planned land use mix, density and pattern.

The Township’s official Future Land Use Map is available through the Planning and Development Services Division. A reduced land use “diagram,” which schematically reflects the uses from the land use map is included in this document.



**Element Structure**

Each General Plan element or chapter of this document contains the following subsections:

General Comments and Current Status:	A brief presentation or discussion of the subject that provides some background information.
Goals:	The ultimate purpose of an effort stated in a way that is general in nature and immeasurable.
Objectives:	More measurable refinements of parts of the goal statement.
Implementing Policies:	Specific statements and guiding actions implying clear commitment from agencies, etc.

**The Planning Process**

The Copperton Township General Plan is only a part of an on-going Salt Lake County planning effort that began more than 25 years ago. In 1965, the county adopted a General Master Plan for the entire Salt Lake Valley. This Plan divided the county into seven large planning districts. The Planning and Development Services Division is now preparing several detailed plans for smaller areas or "communities/townships" within the various districts. This General Plan is, in effect, an addition to the Salt Lake County General Plan for parts of both the Jordan and South Jordan Planning Districts. Since its formation in 1998, the Copperton Township Planning Commission has viewed the completion of this general plan as a high priority. It is intended to be the key resource and policy guide for elected officials, developers and interested citizens.

The planning process has involved the Planning Division Staff, the Copperton Township Planning Commission, the Copperton Community Council, property owners, area residents and concerned citizens. The inclusion of diverse

representation and differing viewpoints has created broad public support and will insure the plan's success. The council members represent the different neighborhoods within the township. This group has expended many unpaid volunteer hours in the process of developing the goals and objectives for the Copperton Township General Plan.

The student and citizen groups involved, state and federal agencies and the departments of Salt Lake County Government carefully researched the current



characteristics of the community. This information provides an accurate picture of the community, its strengths and problems. The base information provided a starting point from which the goals, planning objectives and implementing policies were formed.

With the assistance of Division staff, a Steering Committee was formed in August 2002 to oversee final preparation of the General Plan. The eight-member Steering Committee included many of the interested stakeholders mentioned above.

The Steering Committee has met regularly since September 2002 to further identify community issues and problems and review the Draft General

Plan document prepared by students from the University of Utah, Urban Planning Department. Additional coordination and input from public agencies and other groups were identified by the committee and summarized for addition to the document, all helping the county planning staff prepare and refine the various chapters of the plan.

As this plan is carried out, the final responsibility for accomplishing the goals is placed on the elected officials who develop and implement the public policies that will guide the Community's physical development. These officials must ensure that the day-to-day decisions relating to the community are not made without due consideration given to long-term effects.

All development proposed in the area should conform to the goals, objectives implementing policies, and future land use maps in this Plan. To determine which of the objectives apply, all sections and maps of this Plan should be reviewed.

The Plan does not dictate final authority on every individual land use question. However, it represents a comprehensive study and should be followed unless compelling reasons for exceptions are presented. Additional data that has not been considered in this plan would need to be reviewed before an exception is approved.

Flexibility in the Plan, related to future housing and commercial needs, must have the ability to address and accommodate the changing trends within the community. The General Plan contains objectives that have been deemed appropriate at a point in time, but cannot provide for all future changes and demands. For this reason, the Plan should be reviewed and updated at some point in the future to assess and consider unforeseen circumstances.

The unique identity and cohesiveness of the community should be maintained and protected. Therefore, West Jordan and South Jordan cities extending their boundaries into the area defined by this plan is not supported unless there is broad community support. The residents of Copperton voted by super-majority of the registered voters to become a township, and prefer to remain as an unincorporated “Township” within Salt Lake County. The township status has allowed the Community to have greater and more direct involvement in planning and zoning issues. The most obvious example of this involvement is the creation of the Copperton Township Planning Commission. This seven-member board holds hearings and makes decisions on land use proposals for the Copperton area.

**Walt Disney**

**“All our dreams can come true – if we have the courage to pursue them.”**

### **General Plan Amendments**

The Copperton Township General Plan represents a land use policy document that was created based on a lengthy and participatory process that identified community needs, the existing pattern of development, underlying zoning classifications, consideration for man-made and natural constraints, development potential and accepted planning practices. The plan is generally valid for 5 to 10 years. Over time these variables are subject to review and change due to many circumstances including unforeseen conditions, new development trends and advancements in technology and information. The Plan may be periodically amended reflecting these circumstances, thus allowing the plan to remain flexible and effective.

Amendments to this plan should only be allowed in the most extreme circumstances. Careful review and consideration of a request by the Salt Lake County Planning Division staff in most cases will determine the necessity of any amendment request. The study and its determination, as well as the determination of the Copperton Township Planning Commission and County Council, must indicate that circumstances have changed significantly enough that an amendment is warranted.

The process for amending the Plan is the same for that of adopting it, according to Section 17-27-303 of the Utah State Code, which reads:

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1.
    - a. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.
    - b. The planning commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.
    - c. After the public hearing, the planning commission may make changes to the proposed general plan.
  2. The planning commission shall then forward the proposed general plan to the Salt Lake County Council.

3.
    - a. The Salt Lake County Council shall hold a public hearing on the proposed general plan recommended to by the planning commission.
    - b. The Salt Lake County Council shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.
  4. After the public hearing, the Salt Lake County Council may make any modifications to the proposed general plan that it considers appropriate.
  5. The Salt Lake County Council may:
    - a. adopt the proposed general plan without amendment;
    - b. amend the proposed general plan and adopt or reject it as amended; or
    - c. reject the proposed general plan.
  6.
    - a. The general plan is an advisory guide for land use decisions.
    - b. The Salt Lake County Council may adopt an ordinance mandating compliance with the general plan.
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In addition to the state code which sets forth the procedures for the adoption and amendment of general plans, the Salt Lake County Zoning Ordinance sets forth the procedure for a request to amend the general plan. Chapter 19.90.070 reads as follows:

**19.90.070 Application to amend the general plan.**

Subject to the restrictions in Subsection 19.90.080 and 19.90.090, any property owner or authorized agent thereof may file an application requesting that the planning commission hear an amendment to the county master plan. Such application shall include the reasons or basis upon which the property owner believes the county master plan should be amended. The planning commission shall consider an application to amend the county master plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify consideration of an amendment to the county master plan. A decision by the planning commission not to consider an amendment to the county master plan may be appealed to the Salt Lake County Council pursuant to the procedures set forth in Section 19.90.040. Amendments to the county master plan shall comply with the procedures set forth in Chapter 27 of Title 17 of the state code. (Ord. 1152 § 2, 1991)

**Monitoring and Coordination of the General Plan**

It is recommended that the Copperton Township General Plan be reviewed periodically and revised as necessary to reflect the availability of new implementation tools, changes in State or Federal law, and changes in funding sources. Salt Lake County should monitor development taking place in the area to determine the effectiveness of existing policies and the impacts of past decisions.

If the Copperton Township is to progress in a positive direction, citizens must show they will not accept any undesirable situations or unsightly developments as a permanent condition in the community. The Community Council should monitor the implementation of the Plan. The Council could, at times, make general recommendations to the Township Planning Commission and County Council about changes to the Plan and its administration, if necessary.

Citizens are also encouraged to participate in hearings and provide input on this General Plan and on the plans and proposals growing out of this document. Active citizen support will be a powerful impetus for county departments and officials to act expeditiously on various recommendations.

Salt Lake County Planning and Development Services Division recommends that applicants meet with the Community Council early in the County's review process to apprise the neighborhoods of development projects and solicit constructive input.

The general communication between the County Council, Township Planning Commission and the Community Council should be enhanced. This dialogue should provide an opportunity to openly discuss general problems in the community and the philosophies of each group. In addition, it would allow the Commission and Council to give feedback to the community at-large on how its participation in the development review process is perceived, or where improvements are needed.

### **Relationship to the Salt Lake County Zoning Ordinance**

Generally accepted planning practice suggests that “zoning districts and the zoning map shall be in accordance with the adopted plan,” and in many states this language is included in their zoning legislation. At first glance this language means what it says and supports the interpretation that zoning must be “in accordance” with the General Plan if one exists. The Utah State Code suggests a different view, and indicates that the authors meant only that zoning be done comprehensively and not in a piece-meal manner. The general plan is used as an advisory guide for land use and zoning decisions.

However, to avoid a capricious exercise of the zoning power and, because the principal method for the implementation of the General Plan and the General Plan Land Use Map is the Salt Lake County Zoning Ordinance, the term “in accordance with” is defined in this General Plan as follows:

*A development approved or undertaken shall be in accordance with the General Plan if the land uses, densities, or intensities, capacity or size, timing and other aspects of the development are compatible with and further the goals, objectives and implementing policies of the General Plan as it existed on the date of the application to the Salt Lake County Planning and Development Services Division.*

### **Property Rights and Land Use Planning**

A land use regulation or action must not be unduly restrictive so that it causes a “taking” of a landowner’s property without just compensation. The Fifth Amendment to the United States Constitution states “... nor shall private property be taken for public use, without just compensation.” In the land use context, the argument is that if the general plan, ordinance, regulation or decision is so restrictive as to deprive the owner of economically viable use of a property, then

the property has for all practical purposes been taken by inverse condemnation. This determination has been a difficult task to resolve for the courts, including the U. S. Supreme Court. The high court itself has candidly admitted that it has never been able to develop a “set formula” to determine what is “just” and “fair.” Instead, the court has observed that it is largely dependent upon the particular circumstances in the case.

The courts have historically been impressed by the efforts of a county or municipality to plan, and the open participation of the planning process that strives to comprehensively balance land use opportunities throughout a given community. Although the general plan is never the absolute defense to a taking claim, courts have given weight to general plans when they consider taking problems.

In an effort to provide guidance with regards to “takings,” the Salt Lake County Planning and Development Services Division has prepared the following checklist in reviewing the potential impact of a regulatory, policy or administrative action upon specific property.

<p><b>1. Does the regulation, policy, or action result in permanent or temporary physical occupation of private property?</b></p>	<p>A regulation, policy, or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking.” (Loretto v. Teleprompter Manhattan CATV Corp., 458 U. S. 419 [1982].)</p>
<p><b>2. Does the regulation, policy, or action require a property owner to dedicate a portion of property or to grant an easement?</b></p>	<p>The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development. Likewise, the magnitude of the burden placed on the proposed development should be reasonably related to the adverse impacts created by the development. A court will also consider whether the regulation, policy, or action in question substantially advances a legitimate public interest. (Nollan v. California Coastal Commission, 107 S. Ct. 3141 [1987]; Dolan v. City of Tigard, 114 U. S. 2309 [1994].)</p>
<p><b>3. Does the regulation, policy, or action deprive the owner of all economically viable uses of the property?</b></p>	<p>If the regulation, policy, or action prohibits all economically viable or beneficial use of the land, it will likely constitute a “taking.” In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. It is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any profitable use of the remaining property available. (Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886 [1992]; Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 [Fed. Cir.1994].)</p>

<p><b><i>4. Does the regulation, policy, or action have a significant impact on the landowner’s economic interest?</i></b></p>	<p>Courts will often compare the value of private property before and after a regulation, policy, or action has been implemented. Although a reduction in property value alone may not be a “taking”, a severe reduction in the value is related to the right to use the property, and is typically applied to the property as a whole. (Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886 [1992]; Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 [Fed. Cir.1994].)</p>
<p><b><i>5. Does the regulation, policy, or action deny a fundamental attribute of ownership?</i></b></p>	<p>A regulation, policy, or action that denies the landowner a fundamental attribute of ownership – including the right to possess, exclude others and dispose of all or a portion of the property – are potential takings. (Dolan v. City of Tigard, 114 U. S. 2309 [1994]; Hodel v. Irving, 481 U. S. 704 [1987].)</p>
<p><b><i>6. Does the regulation, policy, or action serve the same purpose that would be served by directly prohibiting the use or action, and does the condition imposed substantially advance that purpose?</i></b></p>	<p>A regulation, policy, or action may go to far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose or public interest. (Nollan v. California Coastal Commission, 107 S. CT. 3141 [1987]; Dolan v. City of Tigard, 114 U. S. 2309 [1994].)</p>