

Open Space and Recreation

The open and natural character of the Canyon is created through public and private undeveloped land. Open spaces and the recreational trails that occur in them are what attract Canyon residents to the area.

Public and private undeveloped land is essential to maintaining the unique canyon setting. Undeveloped lands are comprised of public lands in different ownership and control, as well as private lands. A portion of this undeveloped land is privately owned and could be developed. The maintenance of the areas' character depends on having key open spaces between developments. Key open spaces can be preserved through compliance with the Foothills and Canyons Overlay Zone, as well as the Foothills and Canyons Site Development and Design Standards.

Throughout this section and the entire Plan, the terms open space and open lands are used in different ways. Open space is land owned and managed by a public or quasi-public agency, such as the Salt Lake County Parks and Recreation Division, the U.S. Forest Service, Salt Lake City, or public utility companies. Public open space lands generally have a more liberal public access policy, and offer a wide range of recreational opportunities. Open lands may be held privately by individuals or organizations. Public access to private open space is usually restricted.

Open Space

Securing the land necessary to keep the "open feeling" characteristic of the Emigration Canyon Community will require increased coordination among public agencies, property owners, and private citizens. Some specific benefits other than enhancing the quality of life, include:

- keeping a significant amount of natural open space;
 - protecting important wildlife habitats, and movement corridors;
 - dispersing recreational opportunities throughout the area;
 - connecting the trails and recreational areas with planned linear pathways and open space corridors;
 - protecting view corridors and visual amenities;
 - reducing the threat of danger to life and property by avoiding development in natural hazard areas;
 - utilizing clustered development techniques to minimize impacts from typical subdivision design.
- minimizing the risk of source pollution by avoiding infringement in tributary areas.

Securing the land necessary to keep the "open feeling" characteristic of the Emigration Canyon Community will require increased coordination among public agencies, property owners, and private citizens.

Implementation of programs for the preservation of open space in Emigration Canyon will be the responsibility of the residents of the Canyon.

This Plan encourages community residents and property owners interested in open space preservation to educate themselves about existing preservation groups and programs. Salt Lake County will not be responsible for holding or maintaining open lands in the Canyon. The primary role of the County regarding open space is to create and maintain public parks, which do not exist in the Canyon. It is unlikely that a park will be established, due to the large amount of publicly

owned land. Any park considered for future construction would be 1-2 acres only.

Residents and property owners must initiate contact between potential lands for preservation and the private land trusts or groups.

Recreational Uses

Canyon residents have access to parks near the mouth of the Canyon. Facilities include the Pioneer Trails State Park, which is a regional park, the Hogle Zoo, and Bonneville Golf Course.

The Emigration Canyon Community has no parks, public open space, or formal recreation facilities within the Community boundary. Based on the Salt Lake County Parks and Recreation Master Plan standards, the community does not meet the criteria for county appropriated parks and facilities.

Considering the Canyon's current growth trend, a neighborhood park should be considered in the future.

Trails

For the most part, a trail is a narrow corridor of open space designated for public access and use. An organized trail system is an asset that can contribute to the economic vitality of a community, provide resource protection, nature education, and close to home recreation.

Many of the trails in the Canyon cross U.S. Forest Service or Salt Lake City property. Both the U.S. Forest Service and Salt Lake City currently restrict the uses on their land to non-motorized uses only.

Regional Trails

For a regional trails system to function, it should be enjoyable to use, link communities, recreation areas and open spaces together, and provide a transportation route for pedestrians. It should create and serve as the "backbone" of a more complex system of local trails. The regional trails may be maintained by federal, state, county, or local agencies, a local trails coalition or utility companies.

Local Trails

Emigration Canyon has a number of trails being used currently. Many of the Canyon's trail users can readily identify trails that interconnect to provide a system for recreational use. The realization of a local system of trails depends on land use decisions being made in this Plan. Local and regional trails must be viewed as part of our whole infrastructure and be included along highways, utility and sewer lines, and other public facilities as a necessary part of community life. Local trails should be considered along all water-base resources and connect people with community resources.

Trails Access Plan

Purpose

The purpose of the Salt Lake County Trail Access Plan is to provide for the preservation and acquisition of legal public access to public lands along the eastern foothills and canyons of Salt Lake County.

This Plan is to be used as an information tool and guide to inform the public, property owners, developers, the government, and decision makers about the need for trail access.

The intention of this Plan is to help provide trail access easements to satisfy future public demand. As a result, all access points should be sought for acquisition. Priority should be given to critical access points, but as opportunities arise at other access points, access should be acquired.

Access points(or trailheads) are places where the public first accesses a trail. Typically, trailheads are nothing more than where a trail begins or where access is provided. An improved trail is one that includes information signs, parking, trash receptacles and possibly restrooms. In the study area, trails are generally unimproved. The trailheads referred to in this Plan are to be developed or improved based on available funding and input from the U.S. Forest Service and the community. If only minimal or neighborhood use occurs then no parking or facilities will be provided. Increased use should

For the most part, a trail is a narrow corridor of open space designated for public access and use.

be managed to reduce conflict by providing ample facilities (i.e. parking area, gates, trash cans, etc.).

Emigration Canyon is enriched with an abundance of public land. Every year people use its lands for sightseeing, hiking, biking, camping, climbing, and many other activities. Although many opportunities exist for the general public to use these lands, more and more of these opportunities are restricted by rapid population growth. Moreover, private property ownership along with increased development is restricting access to these public lands. One of the biggest problems for today's land managers and government agencies is maintaining legal public access to these public lands.

The Trails Access Plan inventories all existing trails in the foothills and canyons of the Wasatch Front in Salt Lake County. Included in the Plan are maps showing and categorizing all the access points in the study area, written descriptions of all the access points, and general information about trail access planning.

The Trail Access Plan began with the formation of the Salt Lake County Trail Access Committee. The Committee included representatives from a variety of organizations including Salt Lake County, the United States Forest Service, Sandy City, Draper City, the Bonneville Shoreline Trail Committee, the Salt Lake Regional Trails Council, Utah Mountain Bike Association, the Wasatch Mountain Club, Citizens Committee to Save Our Canyons, and many other interested citizens.

The Committee identified all trails, dirt roads, and access points within the study area. Also identified were all access points where access has been lost or is in danger of being lost. From this information a map was generated.

After analysis by the Forest Service, each access point in the study area was classified into one of four categories by using the following criteria: Does the access point receive a lot of use? Does the trail go to a major destination? (i.e. lake, peak, etc.) Are there currently problems with legal access? If so, is the problem permanent or temporary? Are there conflicts, potential or existing, with the neighborhood?

The four access categories are: Existing, Needed, Potential, or Local. These are identified on the Trails Access Plan Map, Figure 5, page 51, and Appendix B, page 99. They are explained as follows:

1. Existing Access:

Access is secure. The public may use the access point legally. Access needs to be preserved into the future.

2. Needed Access:

Legal access does not exist, although the public is using the access point. Legal access needs to be acquired and preserved.

3. Potential Access:

Legal access does not exist. Usage, demand, and location need to be studied to determine if access needs to be acquired.

4. Local Access:

Legal access does not exist. The trail or dirt road is typically not well used. Present use, future demand, and location need to be evaluated before access is acquired.

Review Process

This is the most important part of acquiring access - it is when opportunities can be gained or lost.

To begin with, the developer or property owner should be made aware that a trail access will be studied and possibly required through his/her property. Private parcels, easements, or rights of way can be donated or granted by landowners to a government agency or land trust.

Development Services Division initiates the review process. Review of subdivisions and conditional uses are all performed by Development Services Division. They are responsible for notifying the proper agencies or individuals for review. The review process will differ for each trail acquisition, but there are usually a few key agencies that need to be involved. These agencies should include Parks and Recreation Division, Planning Division, the Forest Service, possibly the adjoining city, and the community council. In most cases a field trip to study the site and determine a final alignment should be done.

This Plan shows general alignment of the trails. This was done so the developer or property owner could choose the trail alignment that fit best into his/her development, although the trail should tie in at property lines.

During this review process key decisions need to be made concerning types of trail users, neighborhood compatibility, physical constraints, and other issues. The overall objective is to allow the public access to the National Forest and potentially to segments of the Bonneville Shoreline Trail, while at the same time preserving private property rights and keeping all the land uses compatible.

Interagency Communication

The review process relies heavily on effective interagency communication. Proper involvement and review by the proper agencies is crucial. The Forest Service, the Planning Division, Parks and Recreation Division, neighboring cities, and the community council should have input in making recommendations.

Typical Requirements

Width - The width of each access should be determined on a case-by-case basis. Typical trail widths are approximately 5 feet or less. The required width depends on the type and amount of use, physical constraints, etc.

Limits on Use - Limits on use can be assigned to individual trails when necessary. Types of limitations may include not allowing certain types of users, or limiting hours or days of use for certain users or all users. Reasons for limiting use may include safety, neighborhood compatibility, environmental impact, wilderness impact, as well as other justifiable reasons.

Final Plat or Site Plan - For access obtained through subdivisions a legal description of the right-of-way should continue to be shown directly on the final subdivision plat and recorded. For access obtained from the conditional use process, the legal description of the right-of-way should continue to be printed on the final site plan and the right-of-way recorded. For trails with no legal description, or if one has not yet been determined, the plat or site plan should contain a statement indicating the existence of a right-of-way, subject to a final alignment to be determined at the time of construction. A typical trail easement is 25 feet wide and may be wider on steep slopes or heavily vegetated areas.

Construction and Maintenance

First, it should be noted that most of the proposed access points do not require construction of trail or a trailhead. Most access points have existing trails associated with them. Each trail differs in the amount of use, and therefore, some are not well defined while others are very distinct.

Although there are trails connected to most access points, there will be circumstances after an access has been obtained, that a different route must be taken, and therefore, a new trail or section of trail constructed. In addition, increased trail usage may require improvements and maintenance depending on the circumstances.

One of the most difficult obstacles to overcome is obtaining funding to construct and maintain trails and trailheads. Typically the U.S. Forest Service is responsible for trail and trailhead construction and maintenance in the National Forest. However, many of the trails and trailheads identified in this Plan are not in the National Forest. As a result, different alternatives need to be implemented, as well as, alternatives for assisting the Forest Service. Some of these alternatives may include volunteer assistance.

Adopt-a-Trail

There is typically a lack of money for trail construction and maintenance. The Adopt-A-Trail program has been used successfully across the country to offset some of the costs. The program is similar to an Adopt-A-Highway program, where groups (companies, organizations, etc) volunteer their time to improve different trails. This may include actual construction, maintenance, and other needed efforts. Trail user groups such as hikers, bicyclists, birders, and skiers, as well as, neighborhood groups, and Scouting and church organizations are good candidates for the Adopt-A-Trail program.

In addition, neighborhood groups are sometimes willing to take care of a trail if it is in their local area. Some of the problems with the Adopt-A-Trail program though, are providing the proper training for trail construction, and finding the right equipment and materials. There are various organizations that can provide training for groups on the basics of trail construction and maintenance. One such organization is the Student Conservation

Association who can be contacted through the Forest Service. These organizations should be used as much as possible to spread the knowledge of trail construction throughout the county.

Management and Enforcement

Management issues should be dealt with by either Salt Lake County or the municipalities the trail lies in, and in conjunction with the Forest Service.

Some of the trails and trailheads may have various regulations governing their use. Some of the regulations may include hours of use and limits on types of users. In addition, trespassing may become an issue of concern. Enforcement of these regulations is a challenge, but there are various methods and people to deal with this challenge.

The Forest Service and Salt Lake County Sheriff have the principal authority to deal with these issues, but they do not have the resources (manpower and time) to effectively cover all the trails within the county. These organizations should be used as much as possible and also be used to support other enforcement efforts. Some of these other efforts include using trail user groups, neighborhood groups, and individual trail users. Although these people or groups do not have legal authority, by just being present and able to witness any illegal activities they can be very effective in resolving problems.

Issues

Funding

One of the biggest hurdles for solving the trail access problem is finding the funding to pay for all the necessary costs. Land acquisition where needed is probably the most costly. Construction and maintenance of the actual trail and trailhead, and management are expensive. Some funding opportunities exist through the state and the federal government. The Transportation Efficiency Act for the 21st Century (TEA-21) and the Land And Water Conservation Fund Act (LWCF) provide federal

funds and the Nonmotorized Trail and Riverway Enhancement Fund provides state funds. Normally, federal and state programs require a local match of funds. The TEA-21 fund requires an 80/20 match, and the LWCF Nonmotorized Trail, and Riverway Enhancement funds require a 50/50 match.

Projects must qualify for funding by submitting an application to the proper agency. Applications are reviewed each year. Public land trusts are another financial source that potentially can be tapped along with donation of funds by private individuals, organizations, or businesses. The typical construction cost, in rough terms, for a mile of mountain trail is \$20,000 to \$30,000 with some volunteer help.

Compatibility With Neighborhood

One of the more important issues is compatibility with the neighborhood. Residents are typically concerned about how new development, including trails and trailheads, will affect their neighborhoods. Some of their concerns include traffic, noise, truancy, litter, trespassing, burglary and personal injury. Regular trail use generally eliminates criminal and undesirable behavior. With proper design guidelines, effective user regulations, and education these concerns can be eliminated or mitigated.

Proper location of trailheads is an important factor in determining neighborhood compatibility. When possible, trailheads should be located away from homes and in a manner to minimize traffic. In addition, trailheads should be designed to minimize impact on the neighborhood and be aesthetically pleasing. Sufficient parking, visual barriers, fencing, and nonintrusive lighting should be made part of the design. Furthermore, trails should be routed so as to have minimal impact on neighboring houses. When necessary, screening and/or fencing should be used as a buffer between the trail and adjacent homes.

Regulation of hours of use is another effective way to make a trail and trailhead compatible with the neighborhood. Typically hours can be limited to daytime hours only. If compatibility becomes a

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problem, locked gates can be used to close off trailheads at night when most problems occur.

Acquiring Access

There are a number of different methods for acquiring legal access to public lands. The specific situation at each access point will require using different methods.

Trails Ordinance

The easiest and least expensive tool that Salt Lake County has to acquire trail access is the trail dedication ordinance. This ordinance is utilized when a subdivision or project requiring a conditional use permit is proposed by a developer or property owner.

The trail route and easement is dedicated as a public trail at no cost to Salt Lake County. Although this is an easy method to acquire access, it relies on a development being proposed before a trail easement can be obtained.

Easements and Rights of Way

Many easements and rights-of-way along certain properties exist in the County. Rights-of-way and easements allow for access to a certain location or destination, which requires passing through part of another property. The most common of these are utility and fuel rights-of-way and easements, such as those granted to Utah Power Co. and Questar Gas. These could also serve as a tool for allowing access to trails.

The most likely way for an easement to be granted, especially in areas where trail access is requisite to using the trail, is the voluntary and consensual granting of easements and rights of way. This method is the most viable, legal, and equitable means of securing long-term access to trails.

Bonneville Shoreline Trail

The Bonneville Shoreline Trail is a unique opportunity to assist in providing access to public lands. The B.S.T. is a proposed trail that will run along the old Lake Bonneville shoreline at about an elevation of 5200 feet. At this elevation there is a distinct bench of the old shoreline, a level surface suitable for a trail. Sections of the trail have already

been constructed in Salt Lake City and other sections in the Salt Lake Valley are being planned.

Because the B.S.T. runs parallel to the foothills, the trail crosses many of the access points into the National Forest. This enables access points to be combined in some locations. This has the potential to lower costs and minimize impacts to neighborhoods. The trail also provides increased access to the foothills for fire fighters in the event of a wildfire.

Land Exchanges

At times government agencies are involved in land exchanges of public land for private land. These exchanges can be used to acquire legal public access through parcels that were once private. Lands that have the potential for beneficial public use, such as being designated as public open space, should be traded when private lands are available and owning agencies can reach a mutual agreement on the trade.

Purchasing

If funds are available, the option exists for government agencies and public or private land trusts to purchase private parcels or easements through private parcels in order to obtain legal access. Some funding opportunities exist through the state and the federal government, indicated under "Funding," p.45.

Dedication by Public Use

If a trail has been continually used by the public for a period of at least ten years, it may be arguable that it could be dedicated to the public because of its historical use. While state statutes appear to support this legal concept, there is little or no Utah case law to support this method of acquiring access.

Donation

Private parcels, easements, or rights of way can be donated or granted by landowners to a government agency or land trust. This alternative would cost little but benefit government agencies and the public a great deal. Donation of lands often results in favorable income tax treatment for donors.

Condemnation

As a last resort, the government can use its powers of Eminent Domain - the right of government to take private property for public use, with compensation. This method of acquiring access would be used in tandem with financial purchase and compensation methods and politically may be a difficult method to acquire trail access.

County staff has met with representatives from Utah Open Lands to discuss preservation options that may exist for Canyon landowners. Utah Open Lands operations are explained at the end of this section. Other land trusts exist which operate in a similar manner.

Limited Liability Law

Chapter 14, Title 57 of the Utah Code entitled "Limitation of Landowner Liability - Public Recreation" addresses the issue of private property liability. "The purpose of this act is to encourage public and private owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for those purposes." An owner of land who permits without charge any person to use the land for any recreational purpose does not make any assurances that the premises are safe or does the landowner incur liability for any injury to persons who enter upon the land.

Goals

Open Space

To protect the quality of life in the Canyon by preserving open lands for present and future generations.

Recreational Uses

Maintain the rural and open character of the Emigration Canyon Community as development occurs through a network of public and private open space, trail corridors, and facilities for active and passive recreation.

Trails

Acquire sufficient legal access to public land for trail access to satisfy the present and future demands of the residents of the Emigration Canyon.

1. Salt Lake County should use the trails ordinance to its full potential.
2. All government agencies should take a proactive approach in acquiring public access to public lands securing public easements and rights-of-way.



The Canyon has many open space areas.

Objectives

Open Space

1. Keep a significant amount of natural open space.
2. Encourage the community to pursue an aggressive land acquisition program to secure properties for future open space development.
3. Encourage the identification of valuable open space on private property.
4. Educate property owners regarding options for the preservation of open space.
5. Encourage individual or group action towards initiating open space preservation efforts.
6. Expand, develop and upgrade open space areas.

Recreational Uses

1. Identify and implement innovative funding mechanisms for property acquisition, development and maintenance of recreational facilities and programs.
2. Disperse recreational opportunities throughout the community.
3. Solicit Emigration Canyon Community residents' understanding and support for future parks and recreation programs.

Trails Access

1. Involve the public, including general citizens, trail user groups, and neighborhood groups in decisions involving trail planning.
 - a) Compile and maintain a list of all trail user groups, interested citizens, community councils, and representatives from all the involved government agencies.
 - b) Supply the list to all groups and agencies involved in trail planning upon request.
2. Set up a network of interagency communication including community citizens.
 - a) Request recommendations from all pertinent organizations.
3. Promote developers' and property owners' awareness of trail access needs early in the development process.
 - a) Ensure that Development Services Division has the proper and current information concerning trail access.
4. Reduce concerns of private property owners about allowing the public to use trails on their property.
 - a) Promote a better understanding of the Utah State Limitation of Landowner Liability Law to all property owners.
 - b) Educate and inform trail users to respect private property.
5. Develop trail systems in a manner compatible with neighborhood, community, and Forest Service guidelines.

- a) Follow the recommendations and standards as outlined in the Salt Lake County Regional Trails Plan, where applicable.
 - b) In concept, most of these trails including segments of the Bonneville Shoreline Trail are intended to be natural dirt trails used only for human powered traffic.
6. Obtain funding to acquire property for access and to construct and maintain trails and trailheads.
 7. Develop trail systems that provide ample and satisfying non-motorized recreational opportunities for a growing urban population.
 - a) Ensure trails offer a variety of recreational experiences to a variety of users.
 - b) Provide recreational opportunities for the disabled.



A typical canyon trail.

8. Develop trails that are sensitive to wildlife and wilderness areas.
 - a) When proposing a new trail that will have major impact on a natural area, recommendations should be sought from the Division of Wildlife Resources and the U.S. Forest Service.
9. Develop and maintain trails that protect and maintain water quality and/or watersheds.
10. Develop a trail system that provides a link with trails outside the unincorporated county.
 - a) Cooperation between jurisdictions and trail committees should occur to develop a functional trail system.
11. Develop trails that are functional and environmentally sensitive.
 - a) All mountain trails should be constructed according to U.S. Forest Service standards.
 - b) Educate groups or individuals on constructing or maintaining trail standards.
12. Develop trail systems and trailheads that respect the privacy of adjacent property owners.
 - a) When feasible, locate trails and trailheads away from homes.
 - b) When not feasible, use existing or new vegetation, fences, or other buffer between trails or trailheads and adjoining homes.
13. Develop trailheads that address issues of unauthorized users, hours of use, parking, privacy, vandalism, litter, and noise.
 - a) Adopt standards that ensure trailheads are designed to address these issues.
 - b) Trailheads should have sufficient parking, trash containers, signage, and limits to hours of use.
 - c) When necessary, trailheads should have lighting, gates, fencing, and landscaping buffers.
14. Ensure all trails and trailheads are maintained to reasonable standards.
 - a) Organize an Adopt-A-Trail program throughout the county to provide periodic maintenance of individual trails or trail systems.
 - b) Have government agencies, trail user groups, or individuals observe and report any maintenance problems to the group/agency responsible for the particular trail.
15. Enforce all trail regulations.
 - a) A program should be created involving the U.S. Forest Service, Salt Lake County Sheriff's Office, trail user groups, neighboring citizens, and interested individuals to monitor activity on trails.
16. Expand, develop and upgrade trail areas.
17. Educate the public about etiquette, liability, and the responsibility of trail users.

Utah Open Lands

Utah Open Lands (UOL) is a non-profit organization formed in 1990 for the purpose of using voluntary means to protect the scenic, wildlife, historic and agricultural values of open land in Utah. Its function is intermediary, working to devise creative ways to preserve open space for landowners.

Utah Open Lands uses various means for dedicating lands into open space. The most successful means for dedicating lands into open space is by a conservation easement, which is a legally binding agreement between a landowner and Utah Open Lands for the purposes of protecting the special features of a property by restricting development. The land remains in private ownership, while UOL assures that the terms of the agreement are followed in perpetuity.

Another means of preserving open space is through the donation of lands. Lands may be donated because they are no longer in use, will not be passed on to heirs, are highly appreciated in value, or are a burden to maintain. Land may also be donated with a remainder interest and retaining a reserved life estate. This arrangement allows a property to be donated while the owner or any other named persons to continue to use and live on the property. When the owner/users die or release their life interests, the land trust gains full title and control of the property.

Yet another option is a bargain sale of the land, which enables the purchase of a property at a reduced rate, for certain benefits in return.

Utah Open lands is just one organization to promote and facilitate the preservation of open space. Those interested in learning more on the procedures and benefits of open space preservation should contact:

Utah Open Lands
P.O. Box 680921
Park City, UT 84068
801-961-9955

SEE TRAILS MAP

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