

EXHIBIT INDEX

Town of Virgin – Land Use Appeal Zions Edge, Lot 10 (V-ZED-10)

Exhibit A: Utah Public Lands Alliance Position Statement

Exhibit B: Washington County GIS Aerial Map showing Zions Edge and relevant County Road

Exhibit C: Washington County GIS Aerial Map showing Zions Edge and relevant RS 2477 Road

Exhibit D: Aerial Map depicting road in continuous use since 2006 along western edge of Lot 10

Exhibit E: Google Earth Historical Imagery (October 2006) showing existence of the road

Exhibit F: Utah Code §72-5-104 – Public Use Constituting Dedication

Exhibit G: Utah Code §72-5-118 – Unlawful Road Closures

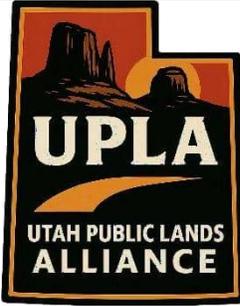
Exhibit H: Final Plat Map dated October 2023, including enlarged Notes

Exhibit I: Final Minutes of Town Council Special Meeting, October 14, 2022 (pp. 4–5)

Exhibit J: Photographs of No Trespassing Signs posted December 16, 2025

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UTAH PUBLIC LANDS ALLIANCE

*Together We Will Win,
But We Can't Do It Without You*

POSITION BRIEF

Preservation of RS 2477 Road 0650 (Class D Public Highway)

Virgin, Washington County, Utah

Prepared by:

Loren Campbell

President, Utah Public Lands Alliance

Resident, Virgin Utah

Virgin, Utah

Revised December 16, 2025

1. Executive Summary

RS 2477 Road **0650** is a long-established **Class D public highway** located within the Town of Virgin, Washington County, Utah. The road has been used openly and continuously by the public for **more than 50 years**, provides critical vehicular access to **BLM and SITLA lands**, and connects directly to **RS 2477 Road 0648**, forming part of a broader historic access network south of the Virgin River.

Despite notice and advice to the Town of Virgin that closure of the road to motorized use was a violation of state law, the Town issued subdivision and building approvals associated with the **Zion's Edge Subdivision**, including development activity on **Parcel V-ZED-10**, that would allow a private property owner to **physically obstruct and permanently close Road 0650**.

This action threatens to extinguish a valid public right-of-way **without lawful abandonment, without jurisdictional authority, and without required statutory findings**. Closure would materially harm public land access, emergency ingress and egress, organized recreation events, and long-standing community reliance interests.

Further, on December 16, 2025, a neighbor reported to me when he went out for his daily walk that there is now a new sign placed on the Livestock Control Gate that reads "No Trespassing." This is an escalation of the attempt to block this County D RS 2477 Road known as Road 0650. The photos have been added to our catalog identified in Section 3 of this brief.

This brief documents the factual record, governing law, evidentiary support, procedural deficiencies, and public impacts that compel continued recognition and protection of Road 0650 as a public highway.

2. Road Identification and Function

- **Road Name:** 0650 Road
- **Road ID:** RD270650
- **Classification:** Class D Road

- **Length:** Approximately 2.1 miles
- **Status:** RS 2477 right-of-way and Public Use Dedicated Road
- **Connectivity:** Joins RS 2477 Road 0648 east of Parcel V-ZED-10
- **Function:** Public vehicular access to BLM and SITLA lands south of the Virgin River

Road 0650 is documented in Utah's public road inventory and has long functioned as a recognized access route for recreation, emergency response, and interconnection between public land parcels.

3. Historic and Continuous Public Use

Road 0650 has been used openly, notoriously, and continuously by the public for decades, including:

- OHVs (ATVs and UTVs)
- High-clearance and four-wheel-drive vehicles
- Pickup trucks and recreational campers
- Mountain bikes and equestrian use
- Organized recreation and event access routes

Use has occurred **without permission, without effective interruption, and as frequently as the public finds convenient or necessary**, satisfying the requirements of Utah Code §72-5-104 for public use dedication. [Photos taken December 14, 2025 document the following:](#)

- Every access point for Lot 10 and existence of Road 650 demonstrating why the area is classified by BLM as VRI Class III with a Scenic Quality rating of B (11.5–18), indicating a landscape of moderate scenic value that is capable of absorbing managed use and visual change. This designation is consistent with the continued presence and use of historic access routes such as Road 0650 and does not support closure of public rights-of-way.
- No construction permit signs posted yet and no clearing, grading, or construction activity has begun, meaning that alterations to the construction plan can be made at the lowest cost or impact now.
- Photographic evidence that Road 650 is used by many different forms of recreation users on a daily basis. Tracks can be seen by vehicles, dirt bikes, mountain bikes, foot traffic, dog prints, and horse prints.
- The Livestock Control Gate put in place many years ago. Although there is a chain with a padlock, it is placed so that the chain can be slide over the top of the gate, and the sign attached to the gate only instructs users to "Close the Gate." The gate is installed solely for livestock management purposes and not for the purpose of restricting public travel.

Public reliance is further documented by **81 written letters of community support**, reflecting long-standing and ongoing use of Road 0650 for access, recreation, and emergency connectivity.

4. Legal Framework Supporting Public Status

4.1 RS 2477 Protection and State Documentation

Road 0650 qualifies as an **RS 2477 right-of-way**, having been constructed and used across federal lands prior to the 1976 repeal of RS 2477 under the Federal Land Policy and Management Act (FLPMA). Under Utah law:

- RS 2477 rights-of-way created prior to 1976 remain valid and protected
- Local governments lack authority to extinguish RS 2477 routes
- Even if a city or county attempts abandonment, RS 2477 roads remain public until formally abandoned by **UDOT**, not a municipality

Importantly, the historic existence and public use of Road 0650 is **not merely asserted**, but is supported

by **formal sworn testimonial evidence obtained by the Utah Public Lands Policy Coordinating Office (PLPCO)**. Maps including video of the route can be viewed at <https://accessmap.utah.gov/#rdid=RD270650>

PLPCO has obtained **five sworn depositions** documenting the historic construction, use, and public character of Road 0650. These depositions establish that:

- The route existed and was openly used well before the 1976 repeal of RS 2477
- The road was used by the general public for vehicular travel, recreation, and access
- The route was treated historically as a public highway rather than a private or permissive road

These depositions were obtained by PLPCO in the course of its statutory responsibility to identify, document, and defend RS 2477 rights-of-way on behalf of the State of Utah. They constitute **direct testimonial evidence** supporting the road's qualification as an RS 2477 highway and materially strengthen the evidentiary record requiring continued public recognition and protection. I can provide these depositions upon request.

Any action impairing or extinguishing Road 0650 without coordination with PLPCO and UDOT is therefore inconsistent with the State of Utah's established RS 2477 documentation record.

4.2 Public Use Dedication (Utah Code §72-5-104)

Independently of RS 2477, Road 0650 qualifies as a **Public Use Dedicated Road** under Utah law:

- Continuous public use for well over ten years (actually since 2007)
- Use by the public at large
- No lawful interruption meeting statutory requirements

Once established, a public use road **cannot be abandoned by non-use, obstruction, or private action**, and may only be vacated by formal action of the proper highway authority, supported by findings and recorded in county records.

4.3 Abandonment Requirements (Utah Code §72-5-105)

No evidence exists that:

- The Town of Virgin adopted a lawful abandonment or vacation ordinance
- Required findings were made
- The abandonment was recorded
- UDOT relinquished any RS 2477 interest

Accordingly, Road 0650 **remains a public highway as a matter of law**.

5. Procedural and Jurisdictional Deficiencies

The subdivision and building approvals associated with Zion's Edge suffer from material defects:

- No lawful abandonment of Road 0650
- No jurisdictional authority to extinguish an RS 2477 or public highway
- Reliance on inaccurate assertions that the road is "seldom used"
- Failure to consider documented RS 2477 evidence held by PLPCO
- Failure to evaluate emergency access impacts
- Inconsistency with Washington County's Land Access Policy

Private easements or deed restrictions cannot supersede public rights-of-way and do not extinguish RS 2477 or public use roads.

5.1 Standard of Review and Jurisdictional Limits

The Town's review authority is limited to land-use compliance and does not extend to adjudicating, extinguishing, or impairing RS 2477 rights-of-way or public highways established under Utah Code §72-5-104. Any approval authorizing obstruction of such a route is beyond the Town's authority and is void as ultra vires.

6. Public Safety and Emergency Access Impacts

Road 0650 provides:

- Secondary emergency access for residents south of the Virgin River
- Redundancy if the Camino del Rio bridge is closed or impaired
- Fire, medical, evacuation, and law-enforcement access

Closure would materially degrade emergency response capability and introduce unnecessary public safety risk.

7. Public Land, Recreational, and Economic Impacts

Closure of Road 0650 would:

- Cause irreparable harm that cannot be remedied by monetary damages by the permanent loss of public access.
- Sever a primary access route to BLM and SITLA lands
- Directly impact **Red Bull Rampage**, an internationally recognized event relying on access to adjacent public lands. Both routes are necessary for logistics, access, emergency services, media operations and spectator movement. , as loss of the route would likely cause Red Bull Rampage not to return
- State Trust Lands would also be negatively impacted by closure of Road 0650 and 0648 by the loss of both the revenue generated from Red Bull Rampage and loss in economic value for their land by losing access to it.
- Reduce recreational access for residents and visitors
- Convert a looped access system into a dead-end route
- Increase congestion, damage, and enforcement pressure on remaining routes

Virgin's own planning documents and recent development decisions reflect a clear and ongoing emphasis on tourism-based economic development. Visitors come to Virgin specifically because it serves as a gateway to public lands and outdoor recreation opportunities. Closing a long-established access route such as Road 0650 undermines that economic model by reducing access reliance, fragmenting the transportation network, and signaling that historic public routes may be subject to closure despite decades of continuous use.

From an economic standpoint, maintaining Road 0650 is not only consistent with historic use and established rights-of-way, but also with Virgin's long-term economic interests, the stability of major permitted events, and the continued generation of state trust revenues that support Utah's schools.

These impacts directly conflict with Washington County policy supporting preservation of historic roads where public use has been established.

8. Prior Good-Faith Efforts to Resolve the Issue

Since 2023, extensive efforts have been made to resolve this matter without escalation, including:

- Direct engagement with the developer
- Successful mitigation of a prior illegal closure via culvert installation

- Written and verbal appeals to the Town of Virgin and County Commissioners
- Coordination with PLPCO, UDOT, Washington County, and law enforcement
- Collection of extensive community support documentation

Despite these efforts, the current building permit again places Road 0650 at risk of permanent closure.

9. Standing

Loren Campbell, Utah Public Lands Alliance, and BlueRibbon Coalition have standing as described in the Notice of Appeal.

10. Town's actions are arbitrary and capricious for the following reasons:

- Acting carelessly in the Issuance of the Final Plat Decision with so many mistakes and beyond their legal authority (*ultra vires*)
- Failed to reconcile known conflicts between the Final Plat, prior Council approvals, and state highway law before issuing the Building Permit.
- Allowing or acquiescing in private enforcement actions against the public, without a lawful determination that the road had been vacated or abandoned.
- Issuing the Lot 10 Building Permit while disregarding readily available and controlling evidence of the roadway's legal status, including its designation as a County Class D Road (Road 652) , an R.S. 2477 highway (Road 0650), and a public highway in use for over 10 years under Utah §72-5-104. This conduct reflects a reckless indifference to public access rights and improperly induced reliance by the Developer on representations the Town had no legal authority to make.
- Records produced under GRAMA reference a Settlement Agreement between the Town and the owners of Lot 10, but that agreement was not produced. Issuance of a Building Permit to a Property Owner without formally advising them of the legal status of the public highway on their property may cause consequential damage to both the property owner and the Town for failure to disclose true conditions.

11. Requested Relief The Town possesses continuing authority to rescind or correct unlawful permits, amend recorded plats to cure material defects, and take affirmative steps to prevent interference with public highways. Because *ultra vires* actions are void, no vested rights can arise from reliance on an unlawfully issued permit.

- 1) The Town must formally recognize and declare that the subject roadways is an R.S. 2477 highway and a highway dedicated to the public as prescribed by Utah §72-5-104, and that any prior approvals or conditions inconsistent with that status are void and without legal effect.
- 2) The Town must correct the Final Plat Map removing Note 18 completely.
- 3) If Town desires to record specific easement for Alan Lee's property, they should correct Plat Notes to show the correct parcel number V-2148-A-1 instead of V-2-1-26-4421.
- 4) The Town must notify all interested parties that the Town corrected errors on the Plat Map including removal of the non-motorized exclusion on the existing access road.
- 5) The Town must order the Sheriff to remove the No Trespassing Signs posted at both end of the road.

12. Conclusion

Road 0650 is a legally protected public highway supported by decades of continuous use, sworn RS 2477 depositions held by the State of Utah, substantial community reliance, and critical public safety and access functions. Its closure through private development approvals is **contrary to Utah law, county policy, and the public interest.**

This issue is correctable through prompt administrative action and does not require litigation if addressed consistent with existing law and evidence.

APPENDIX A

Evidentiary Record Supporting Public Status of RS 2477 Road 0650**Virgin, Washington County, Utah**

A.1 Purpose and Scope

This Appendix summarizes the **evidentiary record supporting the continued recognition of Road 0650 as a public highway**, including sworn testimonial evidence, community documentation, and governmental records. The materials described herein demonstrate that Road 0650 qualifies as a protected public right-of-way under **RS 2477** and **Utah Code §§72-5-104 and 72-5-105**, and that no lawful abandonment or vacation has occurred.

This Appendix is intended to supplement the accompanying briefing statement and does not rely on or reference any later revisions.

A.2 PLPCO RS 2477 Deposition Evidence**A.2.1 Existence of Sworn Testimony**

The **Utah Public Lands Policy Coordinating Office (PLPCO)** has obtained **five (5) sworn depositions** documenting the historic existence, construction, and public use of Road 0650.

These depositions were obtained by PLPCO pursuant to its statutory responsibilities to identify, document, and defend RS 2477 rights-of-way on behalf of the State of Utah.

<https://drive.google.com/drive/folders/1HLEctn7dMI2GdOGs5DQ8YhQGK29IN7C5?usp=sharing>

A.2.2 Substance of Deposition Evidence

Collectively, the depositions establish that:

- Road 0650 existed and was in public use **prior to the 1976 repeal of RS 2477** under the Federal Land Policy and Management Act
- The route was used openly and continuously by the **general public**, not merely by adjacent landowners or permissive users
- Historic use included **vehicular travel, recreational access, and connectivity to surrounding public lands**
- The road was historically treated and understood as a **public highway**, not a private driveway or permissive route
- Public use occurred **without lawful interruption** sufficient to defeat RS 2477 status or public use dedication

A.2.3 Evidentiary Significance

These depositions constitute **direct sworn testimonial evidence**, which is among the strongest forms of proof available in RS 2477 determinations. Their existence places Road 0650 within Utah's **documented**

RS 2477 record and significantly constrains the authority of local governments to impair or extinguish the route without coordination with the State of Utah.

The depositions are maintained by PLPCO and are available through appropriate agency coordination or request from Loren Campbell at president@utahpla.com or at 909-499-3295

Note: This Appendix summarizes the existence and substance of the depositions without identifying individual witnesses or reproducing testimony verbatim, in order to preserve evidentiary integrity.

A.3 Community Reliance and Public Use Documentation

A.3.1 Community Letters of Support

A total of **eighty-one (81) written letters of support** have been collected from residents and members of the public opposing closure of Road 0650. These letters are contained in Appendix C

These letters document:

- Long-standing personal use of Road 0650
- Reliance on the road for access to public lands
- Recreational, emergency, and connectivity functions
- Opposition to private closure of a historic public route

The letters were collected contemporaneously and reflect **independent accounts** from a broad range of public users.

A.3.2 Evidentiary Significance

While not sworn testimony, these letters provide **corroborating evidence of continuous public use and community reliance**. When considered together with sworn PLPCO depositions, they reinforce the conclusion that Road 0650 functions as a public highway in both fact and law.

A.4 Governmental and Documentary Records

A.4.1 Road Identification and Classification

- Road 0650 is identified in Utah public road records as **Road ID RD270650**
- Classified as a **County Class D Road**
- Mapped and recognized as a public route connecting to RS 2477 Road 0648

These records are consistent with historic use patterns and sworn testimony.

A.4.2 County Policy Recognition

Washington County land access policy recognizes the importance of:

- Preserving historic roads where public use has been established
- Protecting RS 2477 rights-of-way

- Maintaining access to public lands

County policy further recognizes that RS 2477 roads remain public unless lawfully abandoned by the appropriate authority.

A.5 Absence of Lawful Abandonment

No evidence exists of:

- A formal abandonment or vacation ordinance adopted by the Town of Virgin
- Required findings supporting abandonment
- Recordation of abandonment in county land records
- Abandonment or relinquishment by the Utah Department of Transportation (UDOT), which retains authority over RS 2477 rights-of-way

Under Utah law, **absence of formal abandonment means the road remains a public highway**, regardless of obstruction, non-use, or private development activity.

A.6 Prior Obstruction and Mitigation History

In 2023, Road 0650 was temporarily obstructed by a drainage ditch installed by the developer. Following objection and agency involvement:

- The obstruction was mitigated
- A culvert was installed
- Vehicular access was restored

This history demonstrates both **acknowledgment of the road's public character** and the feasibility of mitigation without closure.

A.7 The Town had actual Knowledge and Notice

The town had actual verbal and written notice that the restriction on motorized use was illegal as early as 2023 before the Final Plat was issued. Evidence of this is contained in Exhibit L.

A.8 Evidentiary Summary

The evidentiary record demonstrates that:

1. Road 0650 qualifies as an **RS 2477 right-of-way** supported by sworn PLPCO depositions
 2. Road 0650 independently qualifies as a **Public Use Dedicated Road** under Utah law
 3. No lawful abandonment or vacation has occurred
 4. Public reliance and safety impacts are substantial and documented
 5. Private development approvals do not extinguish public highway rights
-

APPENDIX B

Maps and Recorded Plats Demonstrating Public Access and Existing Easements

RS 2477 Road 0650 – Virgin, Washington County, Utah

B.1 Purpose and Scope

This Appendix provides **visual and recorded documentary evidence** demonstrating:

1. The mapped location, continuity, and public character of **RS 2477 Road 0650**; and
2. The existence of a **recorded 30-foot-wide access easement** within the Zion's Edge Subdivision plat that aligns with and preserves access along the Road 0650 corridor.

These materials corroborate the sworn testimony summarized in Appendix A and further demonstrate that closure of Road 0650 is **neither required nor supported by the approved subdivision design**.

B.2 Road 0650 Location and Connectivity Map

B.2.1 Description

This Appendix includes a map depicting **Road 0650 (Road ID RD270650)** as maintained in Utah public road records. The map illustrates:

- The alignment and length of Road 0650
- Its connection to **RS 2477 Road 0648**
- Its role as a continuous east–west access route south of the Virgin River
- Its function as a connector between Entrada Drive, BLM lands, and surrounding public land access routes

B.2.2 Evidentiary Significance

The map confirms that Road 0650:

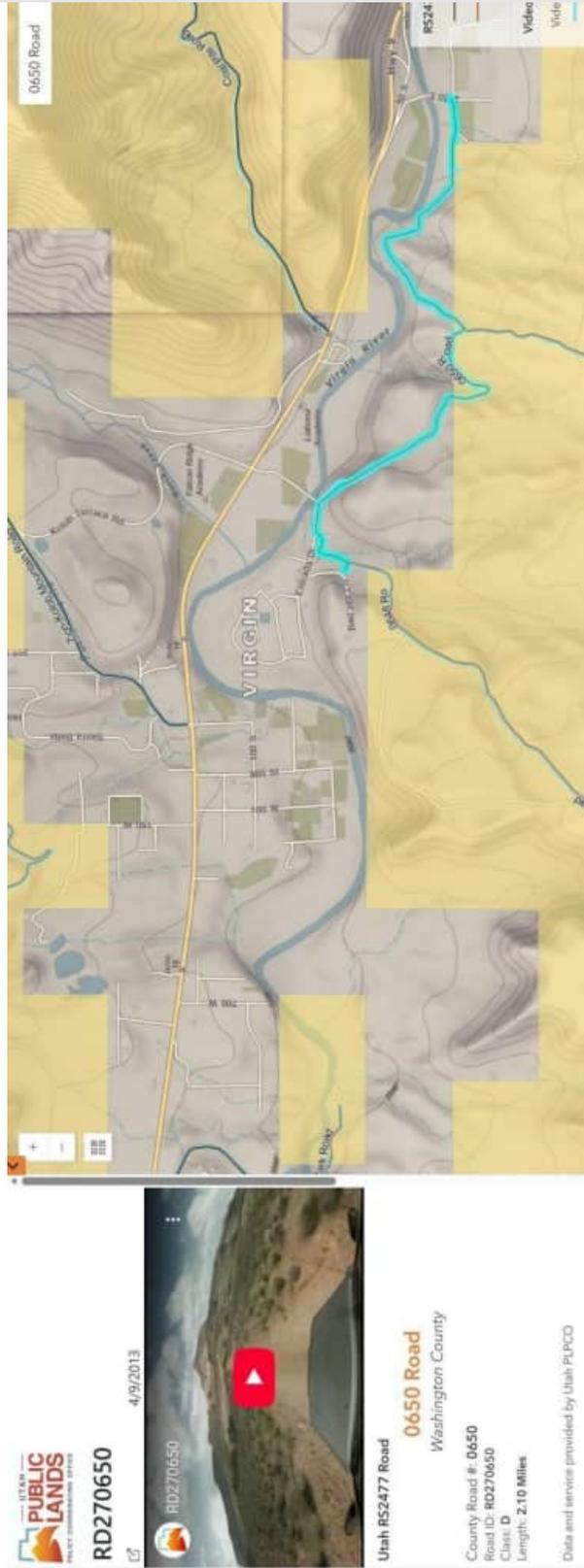
- Exists as a **recognized public route**, not a dead-end driveway
- Functions as part of an interconnected historic road network
- Provides access relied upon by recreational users, emergency responders, and event organizers

This visual documentation supports both RS 2477 status and public use dedication.

B.3 Zion's Edge Subdivision Plat – Recorded Access Easement

B.3.1 Description of Plat Evidence

The **Final Plat of Zion's Edge Subdivision** (recorded within Section 26, Township 41 South, Range 12 West, SLB&M, Virgin City, Washington County, Utah) depicts a **30-foot-wide access easement** running through the subdivision in the vicinity of Road 0650.



Road 0650 Location and Connectivity Map
Source PLPCO

The easement is clearly shown on the recorded plat and is highlighted on the attached exhibit. The plat expressly acknowledges the presence of an access corridor within the subdivision footprint .

B.3.2 Evidentiary Significance

The existence of a recorded **30-foot access easement** is significant for several reasons:

- It demonstrates that **access was anticipated and accommodated** in the subdivision design
- It undermines any claim that closure of Road 0650 is necessary to implement the approved plat
- It confirms that **vehicular access can be preserved** without interfering with residential development
- It is consistent with prior mitigation measures (including culvert installation) that allowed continued access

The plat therefore supports the conclusion that **closure of Road 0650 is not required by engineering, safety, or subdivision constraints**, but is instead a discretionary action inconsistent with the recorded development approvals.

B.4 Relationship to RS 2477 and Public Use Rights

Neither the depiction of an access easement nor subdivision approval:

- Vacates or abandons Road 0650
- Extinguishes RS 2477 rights-of-way
- Supersedes public use dedication under Utah Code §72-5-104

To the contrary, the recorded plat reflects **acknowledgment of access continuity**, which must be interpreted consistently with existing public highway rights.

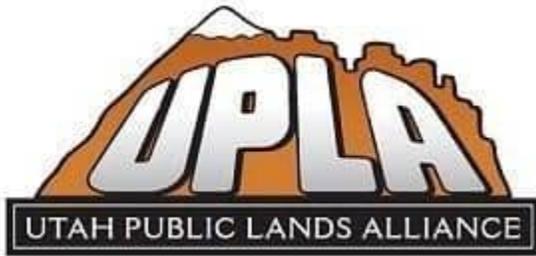
B.5 Summary of Appendix B Evidence

The materials included in this Appendix demonstrate that:

1. Road 0650 is visibly mapped and functionally connected to other RS 2477 routes
 2. The Zion's Edge Subdivision plat includes a **30-foot-wide access easement**
 3. The approved subdivision design does not require closure of Road 0650
 4. Continued vehicular access is feasible and consistent with recorded land use approvals
-

APPENDIX C

1. [§1 Community Letters Opposing This Closure](#)
https://drive.google.com/drive/folders/1OuZwJBNAZO2cKtF59giCFGb_tMi4PBgy?usp=drive_link
2. Partial Correspondence with Government Officials, many more emails are not attached but are available
 - a. June 1, 2023 Letter to Washington County Commissioners
 - b. March 7, 2024 Letter to Mayor Krause, County Commissioners with Copies to UDOT and PLPCO



June 1, 2023

Washington County Commissioners

Dear Commissioners:

I am the President of Utah Public Lands Alliance, and a resident of Virgin, Utah. I recreate often in the BLM and SITLA lands between Gooseberry Mesa and Entrada Drive in Virgin. I am very concerned that the Town of Virgin allowed a developer to close a public highway to vehicle access connecting Entrada Dr with BLM land and Sheeps Bridge Road. At their October 2022 Town Council Meeting, Virgin approved a subdivision plan allowing the developer, JBARS, to close the highways known as RS 2477 Road 0648 and 0650. The attached Access Rights article quotes "that even if abandoned by a local government entity, RS 2477 ar still public roads until abandoned by the State Department of Transportation....this makes it impossible for cities and counties to completely vacate roads created on federal lands before statehood." Utah Code Ann 872-5-305

I have been working with Laura Ault, Jake Garfield, and Assistant Attorney General Hayden Ballard from the Utah Public Lands Policy Coordinating Office about the closure. I also discussed this with Washington County Regional Tourism Regulatory Affairs Director Heath Hansen, and he suggested the next step might be to reach out to the County Commissioners.

The developer claimed that the roads are seldom used by the public, which is untrue. My property is adjacent to Road 0648 and I can testify that the road is used frequently by ATV/UTVs, Jeeps, Equestrians, Pickups, Campers, and Mountain Bikers. Frequent use is also evidenced by the multitude of vehicle tracks on the road. Both roads have also been used for access to Red Bull Rampage, an annual event which attracts thousands of enthusiasts every year into the beautiful backcountry. The roads are also frequently used as routes for both biking and running events. I, along with many other homeowners in Virgin purchased their lots to build homes in part because of the easy access to BLM.

The developer also claimed that access to the BLM land could be accessed from Sheeps Bridge Road, but that is 10 miles away over rough roads that require 4 wheel drive and high clearance, so it will severely restrict access by the current OHV, camping and biking users. Further, it will change the area from being a circuit route to just a one way in and out.

Further, these highways also provide the only alternate access to homeowners south of the Virgin River if the Camino del Rio bridge were closed for any reason.

Washington County's Resource Management Plan Land Access Plan clearly recognizes the importance of protecting RS 2477 highways. I would like for the County to contact the Town of Virgin about finding alternatives to keep these public highways accessible to the BLM lands. In addition to being afforded protection under RS 2477, the roads would also qualify for protection under Utah Code 72-5-104 as a Public Use Dedicated Road, having been in use for many decades.

I attached several resources for your information:

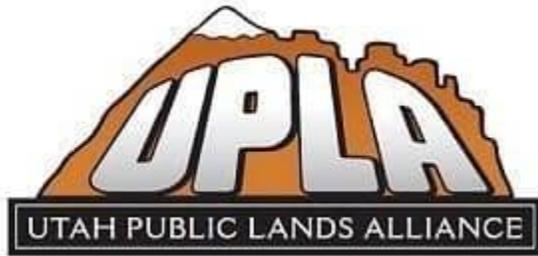
- A map of the area showing the RS 2477 proposed closures and the surrounding recreation area
- An excellent resource guide by the Utah Public Land Use Institute on Public Access Rights on Public Roads and Private Lands that describes RS 2477 and 72-5-104 public highway dedications.
- Excerpt from the Washington County RMP Land Access Policy
- First 81 endorsers that requested adding their support to this request to keep these historic highways kept open.

Thank you for your consideration, I am available at any time to discuss this matter further, or to arrange a tour of the area.

Sincerely,

Loren Campbell
President, Utah Public Lands Alliance
Virgin Resident

Attachments



March 7, 2024

Commissioner Adam Snow
Virgin Mayor Gene Krause
Sent Via Email

Dear Commissioner Snow and Mayor Krause:

I am the President of Utah Public Lands Alliance, and a resident of Virgin, Utah. I recreate often in the BLM and SITLA lands between Gooseberry Mesa and Entrada Drive in Virgin. I am very concerned that the Town of Virgin allowed a developer to close a public highway to vehicle access connecting Entrada Dr with BLM land and Sheeps Bridge Road. At Virgin's October 2022 Town Council Meeting, Virgin approved a subdivision plan allowing the developer, JBARS, to close the highways marked on the attached map as RS 2477 Road 0648 and 0650, which are B or D roads. These are located in Virgin within 300' of my home.

This closure was done without respect the protections afforded right of ways qualifying for public roads under Utah Code [§72-5-105](#) and [§72-5-104](#). Section 104 provides how roads used by the public are dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years. Section 105 clarifies that dedicated roads are protected regardless of whether they are a Class A, B, C, or D road. Case law and Utah Legislative Action as recent as this year with [S.B. 067](#) have reinforced the clear intent of the legislature that there is significant public interest in this matter, and interpretations by the Utah Supreme Court have reinforced that these dedications are intended to be enduring.

To substantiate the historic existence of these roads, it should be noted that they are listed as R.S. 2477 roads and PLPCO has taken at least 5 depositions substantiating that historic use. In addition, the nearest neighbor to the road is Mayor Gene Krause, who can easily attest to its use for recent years.

The Town's decision was made largely based on testimony from the Developer on several assertions that are untrue:

1. The developer claimed that the roads are seldom used by the public, which is untrue. My property is adjacent to the road marked as Road 0648 and I can testify that the road is used frequently by ATV/UTVs, Jeeps, Equestrians, Pickups,

Campers, and Mountain Bikers. Frequent use is also evidenced by the multitude of vehicle tracks on the road. Both roads have also been used for access to Red Bull Rampage, an annual event which attracts thousands of enthusiasts every year into the beautiful backcountry. The roads are also frequently used as routes for both biking and running events. Many homeowners in Virgin purchased their lots to build homes in part because of representations by the same Developer that there was easy access to BLM. Attached are 81 affidavits signed by neighbors that were collected in a single weekend at the outset of this dispute.

2. The developer claimed that access to the BLM land could be accessed from Sheeps Bridge Road, but that is 10 miles away over rough roads that require 4 wheel drive and high clearance, so it will severely restrict access by the current OHV, camping and biking users. Further, it will change the area from being a circuit route to just a one way in and out which seriously affects the recreational value.

The Developer has now dug a 30' wide 15' deep ditch that effectively closes the route to vehicle traffic as illustrated in the attached photo. UPLA and other responsible land advocates always reinforce the importance of users staying on designated routes and trails, but users have created an unauthorized bypass route to get around the blockage, thereby trespassing on other properties that were not previously used.

Further, these highways also provide alternate access to homeowners south of the Virgin River if the Camino del Rio bridge were closed for any reason. Additionally in an emergency such as a fire or serious injury, it will seriously impact access by emergency personnel.

It seems clear to me that the intent of the Utah Legislature is steadfast in their goal of keeping access to our public lands for all users, and Washington County's Resource Management Land Access Plan also recognizes the importance of protecting County B & D roads as well as RS 2477 highways and public highways. I have been diligent in my pursuit to keep these roads open.

- I began by talking directly to the Developer, who refused to mitigate the concerns, and had his attorney send me a notice to only communicate through him.
- I made an appeal to the Virgin Town Council before they granted the Developer permission to close the road to vehicle traffic. They ignored my request and approved the subdivision.
- I worked with Laura Ault, Jake Garfield, and Assistant Attorney General Hayden Ballard from the Utah Public Lands Policy Coordinating Office, who provided me the depositions on the road upon a Grama Request.
- I solicited for and obtained objection letters from 81 residents opposing the closure.
- I met onsite with Washington County Regional Tourism Regulatory Affairs Director Heath Hansen, who suggested contacting County Commissioners.

- On June 1, 2023 I wrote a letter to County Commissioners. Victoria Hales contacted me for more information. I also provided additional information to Commissioner Snow, but the last contact I had with him was November 9, 2023 when he assured me was aware and was working on a solution and would meet with me to discuss it before it was finalized.
- I met with Sheriff Nate Brooksby about the illegal closure, and confirmed that he would assist in reopening the route upon approval from the County Attorney
- I spoke to UDOT about the closure and received additional information.

I attached several resources for your information:

- A map of the area showing the roads marked as RS 2477 Roads 0648 and 0650 proposed closures and the surrounding recreation area
- An excellent resource guide by the Utah Public Land Use Institute on Public Access Rights on Public Roads and Private Lands that describes in great detail public highway dedications and closures.
- Excerpt from the Washington County RMP Land Access Policy
- Photo of the illegal closure done by the developer.
- First 81 endorsers that requested adding their support to this request to keep these historic highways kept open.

This road was illegally closed, which may constitute a Class C misdemeanor under [Utah Code §72-5-118](#). I have been diligent in my pursuit for assistance with this for the past 18 months without any affirmative results.

I would like to have a team of volunteers reopen the route, and can do so very quickly. I would like your approval to do so. I am available at any time to discuss this matter further, or to arrange a tour of the area.

Sincerely,

Loren
Loren Campbell
President, Utah Public Lands Alliance
Virgin Resident

Attachments

CC: Jeffery Albrecht, UDOT
Chris Potter, UDOT
Sheriff Nate Brooksby
Laura Ault, Utah Public Lands Policy Coordinating Office

Hayden Ballard, Utah Public Lands Policy Coordinating Office

Exhibit B

Washington County, Utah Public Works Search... Sign in

Navigation Maps & Data Sources Analysis Tasks Search Tool Labels

Map navigation toolbar including Pan, Zoom In, Zoom Out, Initial View, Full Extent, Next Extent, Previous Extent, Identify, Show Layers, Show Legend, Bookmarks, Quick Start Guide, Email Us, Washington Co. Map Inventory.

Transportation Plan, 1241

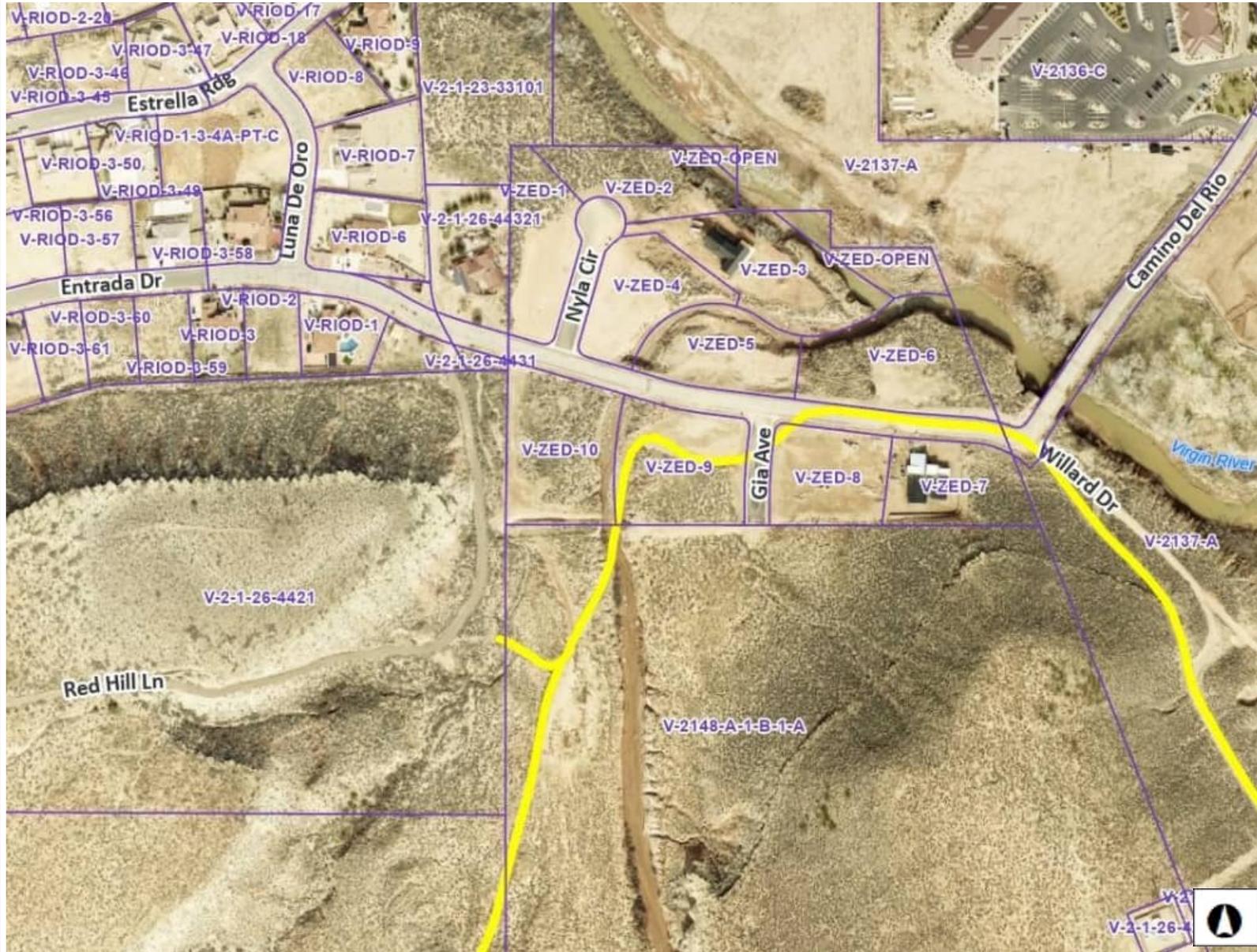
I want to...

Details
OBJECTID
1241
NAME
0652
SOURCE
COUNTY - GPS
S_AGFUNC
Resource or special use
S_FUNC
0
TYPE
DIRT





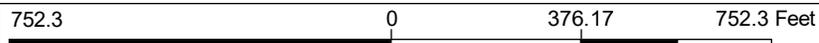
Exhibit C



Legend

- Parcels
- Class B Roads**
 - Dirt
 - Gravel
 - Paved
- RS 2477
- Mile Markers
- Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wilde
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



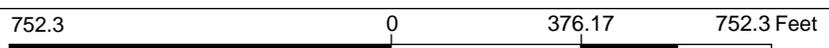
Exhibit D



Legend

- Parcels
- Class B Roads**
 - Dirt
 - Gravel
 - Paved
- RS 2477
- Mile Markers
- Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wild
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

Exhibit E

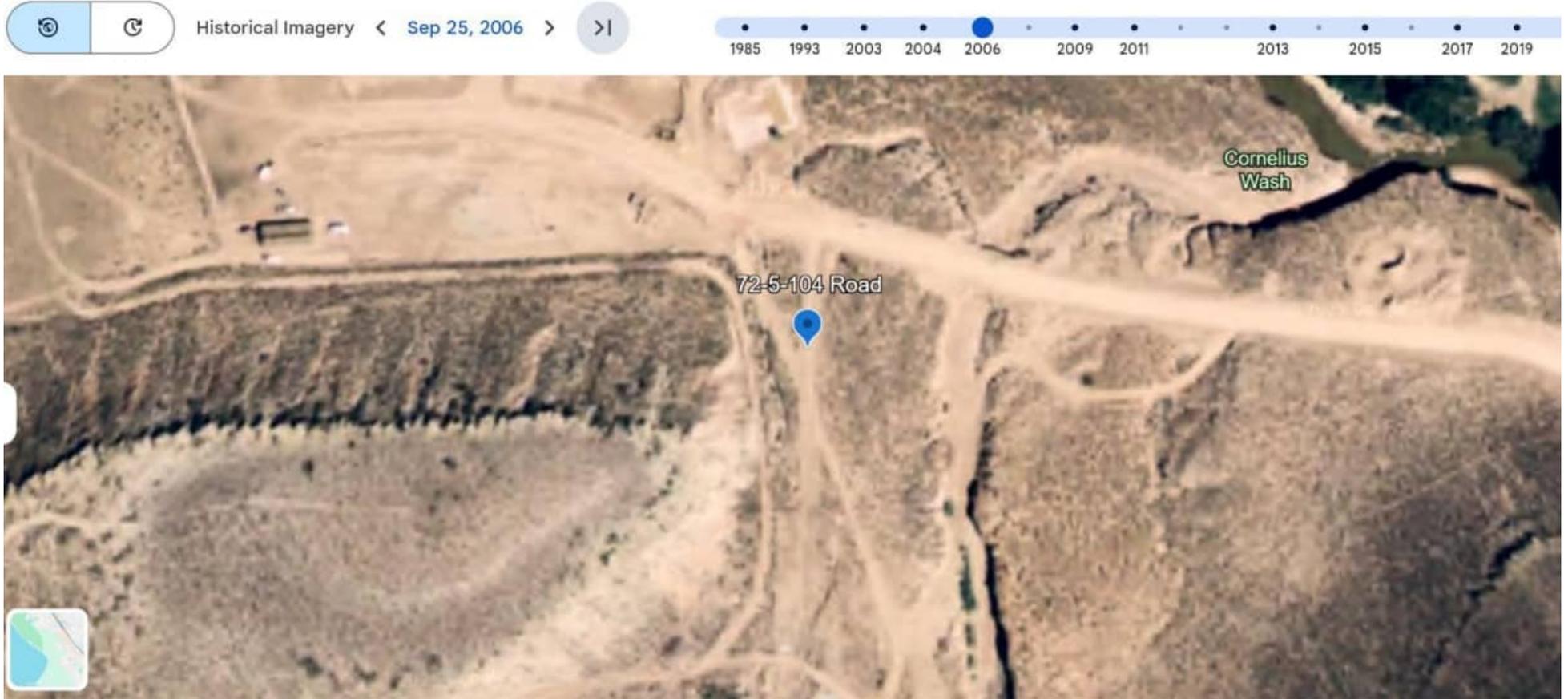


EXHIBIT F

Effective 5/1/2024

Page 25 of 47

72-5-104 Public use constituting dedication -- Scope.

- (1) As used in this section, "highway," "street," or "road" does not include an area principally used as a parking lot.
- (2) A highway is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years.
- (3) The requirement of continuous use under Subsection (2) is satisfied if the use is as frequent as the public finds convenient or necessary and may be seasonal or follow some other pattern.
- (4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:
 - (a) the person or entity interrupting the continuous use gives not less than 72 hours advance written notice of the interruption to the highway authority having jurisdiction of the highway, street, or road;
 - (b) the property owner undertakes an overt act which is intended to interrupt the use of the highway, street, or road as a public thoroughfare; and
 - (c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the regularly established pattern and frequency of public use for the given highway, street, or road for a period of no less than 24 hours.
- (5) Installation of gates and posting of no trespassing signs are relevant forms of evidence but are not solely determinative of whether an interruption under Subsection (4) has occurred.
- (6) A property owner's interruption under Subsection (4) of a highway, street, or road where the requirement of continuous use under Subsection (2) is not satisfied restarts the running of the 10-year period of continuous use required for dedication under Subsection (2).
- (7)
 - (a) The burden of proving dedication under Subsection (2) is on the party asserting the dedication.
 - (b) The burden of proving interruption under Subsection (4) is on the party asserting the interruption.
- (8)
 - (a) The dedication and abandonment creates a right-of-way held by the state or a local highway authority in accordance with Sections 72-3-102, 72-3-103, 72-3-104, 72-3-105, and 72-5-103.
 - (b) A property owner's interruption under Subsection (4) of a right-of-way claimed by the state or local highway authority in accordance with Subsection (8)(a) or R.S. 2477 has no effect on the validity of the state's or local highway authority's claim to the right-of-way and does not return the right-of-way to the property owner.
- (9) The scope of a right-of-way described in Subsection (8)(a) is that which is reasonable and necessary to ensure safe travel according to the facts and circumstances.
- (10) The provisions of this section apply to any claim under this section for which a court of competent jurisdiction has not issued a final unappealable judgment or order.
- (11)
 - (a) Before a person may file an action in district court to determine or challenge whether a highway, street, or road has been dedicated to the public as described in this section, the person shall first provide 30-day written notice to the relevant highway authority.
 - (b) In an action described in Subsection (11)(a), the person shall name as a defendant the highway authority that would have jurisdiction over the highway, street, or road.

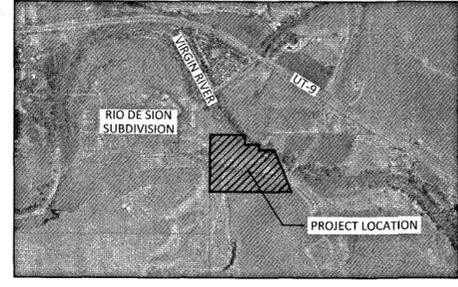
Amended by Chapter 517, 2024 General Session

Effective 5/14/2019

72-5-118 Unlawful road closures.

- (1) Except as provided in Sections 72-1-212, 72-5-105, 72-6-114, and 72-7-103, an individual who knowingly places or authorizes the placement of a temporary or permanent barricade on a class A, B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class A, B, C, or D road or R.S. 2477 right-of-way to permanently or temporarily close the road or R.S. 2477 right-of-way to vehicular traffic is guilty of a class C misdemeanor.
- (2) This section does not apply to a road closure:
 - (a) by firefighters or peace officers responding to an emergency;
 - (b) that may result from a permanent or temporary closure of a public or private railroad crossing;
or
 - (c) on an R.S. 2477 right-of-way across private land if a perpetual public right-of-way has not been granted through a settlement or court order.

Enacted by Chapter 295, 2019 General Session

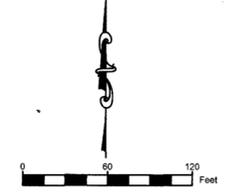


VICINITY MAP
(N.T.S.)

Exhibit H

**FINAL PLAT OF
ZION'S EDGE SUBDIVISION
WITHIN SECTION 26, T. 41 S., R. 12 W., SLB&M
VIRGIN CITY, WASHINGTON COUNTY, UTAH**

- LEGEND**
- LOT : 2 DENOTES LOT NUMBER
 - ⊕ DENOTES STREET MONUMENT TO BE SET
 - DENOTES PROPERTY CORNER TO BE SET - 5/8" REBAR WITH YELLOW PVC CAP STAMPED PLATT & PLATT INC. LS 164659
 - ⊕ TEST PIT LOCATIONS
 - - - FEMA FLOOD ZONE LINE
 - - - EASEMENT
 - - - SETBACK
 - - - SUBDIVISION BOUNDARY
 - ▨ OPENS PACE



TEST PIT RESULTS

LOTS	SOIL TYPE	PERC. TEST	
		FEET	GAL/SQ FT/DAY
1	SL	10.50	0.65
2	SL	10.00	0.65
3	SL	10.00	0.65
4	CSL	10.00	0.65
5	CSL	10.50	0.65
6	LS	10.50	0.65
9	LS	10.00	0.70
10	SL	10.00	0.65

THESE WERE CONDUCTED BY GTS GEOTECHNICAL TESTING SERVICES, INC ON JUNE 28, 2022.

SURVEYOR'S CERTIFICATE

I, ROBERT B. PLATT, PROFESSIONAL UTAH LAND SURVEYOR NUMBER 164659, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS ZION'S EDGE SUBDIVISION, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:
BEGINNING AT A POINT LOCATED N89°51'34"W ALONG THE SECTION LINE 886.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 26, TOWNSHIP 41 SOUTH, RANGE 12 W., SLB&M, THENCE S89°55'00"W 186.00 FEET, THENCE S0°05'00"W 73.00 FEET, THENCE S89°55'00"E 200.00 FEET, THENCE S21°38'50"E 592.08 FEET, THENCE N89°55'00"W 1064.69 FEET, THENCE N0°47'16"E 750.23 FEET, THENCE S89°54'34"W ALONG THE SECTION LINE 450.25 FEET TO THE POINT OF BEGINNING.
CONTAINS 14.40 ACRES

SUBJECT TO A 10.00 FOOT WIDE (OFFSET 5.00 FEET EACH SIDE) LIVESTOCK EASEMENT AND A 50.00 FOOT WIDE (OFFSET 25.00 FEET EACH SIDE) WATERWAY EASEMENT ALONG THE CENTERLINE OF CORNELIUS WASH WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 10, ZION'S EDGE SUBDIVISION, THENCE N03°11'07"W 52.18 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 726.43 FEET A DISTANCE OF 208.76 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ENTRADA DRIVE (THE CHORD OF SAID CURVE BEARS N05°50'22"E 208.04 FEET), THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 726.43 FEET A DISTANCE OF 50.01 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ENTRADA DRIVE (THE CHORD OF SAID CURVE BEARS N16°02'39"E 50.00 FEET), THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 726.43 FEET A DISTANCE OF 16.66 FEET (THE CHORD OF SAID CURVE BEARS N18°40'25"E 16.66 FEET), THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 185.13 FEET A DISTANCE OF 305.78 FEET (THE CHORD OF SAID CURVE BEARS N70°19'51"E 269.93 FEET), THENCE S55°37'13"E 23.41 FEET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 153.29 FEET A DISTANCE OF 149.60 FEET (THE CHORD OF SAID CURVE BEARS S84°34'40"E 143.73 FEET), THENCE N67°27'52"E 75.01 FEET, THENCE N47°57'08"E 51.96 FEET TO THE POINT OF ENDING.

SUBJECT TO A WATERWAY EASEMENT FOR THE VIRGIN RIVER IN THE NORTHEAST PORTION OF THE PROJECT AS SHOWN.

DATE: 12-7-2022

Robert B. Platt
ROBERT B. PLATT
PLS #164659

NOTES:

1. ZION'S EDGE DEVELOPMENT IS DESIGNATED AS A SHORT TERM RENTAL DEVELOPMENT.
2. OWNERS INFORMATION: J BARS INVESTMENTS & MUNSTER PROPERTIES INC
PO BOX 790236
VIRGIN, UTAH 84779
(435) 619-0189 - JOHN STAPLES
(435) 619-0164 - JEFF STAPLES
3. PROPERTY INFORMATION:
3.1. ZONE: RURAL RESIDENTIAL "WITH SHORT TERM OVERLAY"
3.2. REQUIRED SETBACKS
3.2.1. FRONT: 25 FT
3.2.2. REAR: 10 FT
3.2.3. SIDE: 10 FT
3.3. AREA: 14.4 ACRES
3.4. APN: V-2148-A-1-B-1-A
4. FLOOD ZONE A & C PER FEMA FIRM PANEL 49053C0860G DATED APRIL 2, 2009.
5. SUBDIVISION CONTAINS 10 SINGLE FAMILY HOME LOTS.
6. EACH LOT TO HAVE AN INDIVIDUAL WASTEWATER DISPOSAL SYSTEM.
7. HOMES WILL BE REQUIRED TO HAVE A 13D AUTOMATIC SPRINKLER SYSTEM.
8. RESTRICTIVE COVENANTS, DEED RESTRICTIONS AND CONSERVATION EASEMENTS SHALL BE FILED WITH THIS FINAL PLAT.
9. INDIVIDUAL PROPERTY OWNERS ARE RESPONSIBLE FOR KEEPING LIVESTOCK OFF OF THEIR PROPERTY.
10. INDIVIDUAL PROPERTY OWNERS ARE RESPONSIBLE TO RETAIN NUISANCE AND STORM WATER FROM THEIR LOTS).
11. LOTS 3, 4, 5, 6, 9, 10, ARE SUBJECT TO A 50' WIDE WATERWAY EASEMENT AND A 10' WIDE LIVESTOCK EASEMENT.
12. LOT 10 IS SUBJECT TO A 30' WIDE ACCESS EASEMENT, & 25' WIDE DRAINAGE EASEMENT.
13. LOT 4 IS SUBJECT TO A 15' WIDE DRAINAGE EASEMENT ALONG THE NORTHEAST BOUNDARY.
14. REFERENCE DOCUMENTS:
14.1. ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY GRIFFITHS & TURNER TITLE SERVICES INC. COMMITMENT NUMBER W49424GB, DATED APRIL 12, 2022.
14.2. RIO DE SION SUBDIVISION, PHASE 1 FINAL PLAT DATED DECEMBER 1, 2005 BY BUSH & GUDGELL, INC.
15. LOTS 7 AND 8 WILL NEED NEW SOIL TEST PITS BEFORE BUILDING PERMITS CAN BE ISSUED.
16. LOT NUMBER 1 SHALL NOT EXCEED ONE STORY ABOVE GRADE.
17. FOR EVERY BEDROOM IN A DWELLING UPON A LOT THAT EXCEEDS 2 BEDROOMS AN ADDITIONAL DESIGNATED PARKING STALL SHALL BE PROVIDED VIA GARAGE SPACE, DRIVEWAY OR PAVED PARKING AREA WITHIN THE SIDE YARD OF A LOT.
18.

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	62.01	200.00	17°45'55"	S77° 10' 13"E	61.76
C2	25.66	500.00	2°56'27"	S84° 34' 56"E	25.66
C3	79.68	500.00	9°07'52"	S78° 32' 47"E	79.60
C4	59.38	500.00	6°48'17"	S3° 29' 08"W	59.35
C5	47.19	225.00	12°00'58"	N80° 02' 41"W	47.10
C6	79.70	175.00	26°05'41"	N73° 00' 20"W	79.01
C7	24.38	514.05	2°43'03"	N84° 34' 56"W	24.38
C8	26.95	525.00	2°56'27"	N84° 34' 56"W	26.94
C9	31.42	20.00	90°00'00"	S51° 53' 17"W	28.28
C10	56.41	475.00	6°48'17"	S3° 29' 08"W	56.38
C11	62.35	525.00	6°48'17"	S3° 29' 08"W	62.31
C12	31.42	20.00	90°00'00"	S38° 06' 43"E	28.28
C13	75.70	475.00	9°07'52"	N78° 32' 46"W	75.62
C14	83.57	525.00	9°07'12"	S78° 33' 07"E	83.48
C15	31.42	20.00	90°00'00"	S28° 58' 50"E	28.28
C16	31.42	20.00	90°00'00"	N61° 01' 10"E	28.28
C17	17.45	20.00	49°59'41"	S41° 01' 01"W	16.90
C18	26.63	50.00	30°30'37"	S50° 45' 33"W	26.31
C19	27.20	50.00	31°10'04"	S19° 55' 12"W	26.86
C20	120.00	50.00	137°30'31"	S64° 25' 05"E	93.20
C21	70.51	50.00	80°48'10"	N6° 25' 34"E	64.81
C22	17.45	20.00	49°59'41"	N8° 58' 41"W	16.90
C23	208.76	726.43	16°27'55"	N5° 50' 22"E	208.04
C24	50.01	726.43	3°56'40"	N16° 02' 39"E	50.00
C25	16.66	726.43	1°18'51"	N18° 40' 25"E	16.66
C26	254.79	165.13	88°24'20"	N61° 29' 05"E	230.26
C27	50.99	165.13	17°41'33"	S65° 27' 59"E	50.79
C28	70.79	153.29	26°27'28"	S69° 50' 57"E	70.16
C29	78.81	153.29	29°27'27"	N82° 11' 36"E	77.95
C30	104.00	2556.06	2°19'52"	N48° 03' 34"W	103.99
C31	300.29	2551.57	6°44'35"	N54° 37' 46"W	300.11
C32	110.60	214.51	29°32'27"	N87° 12' 35"E	109.38

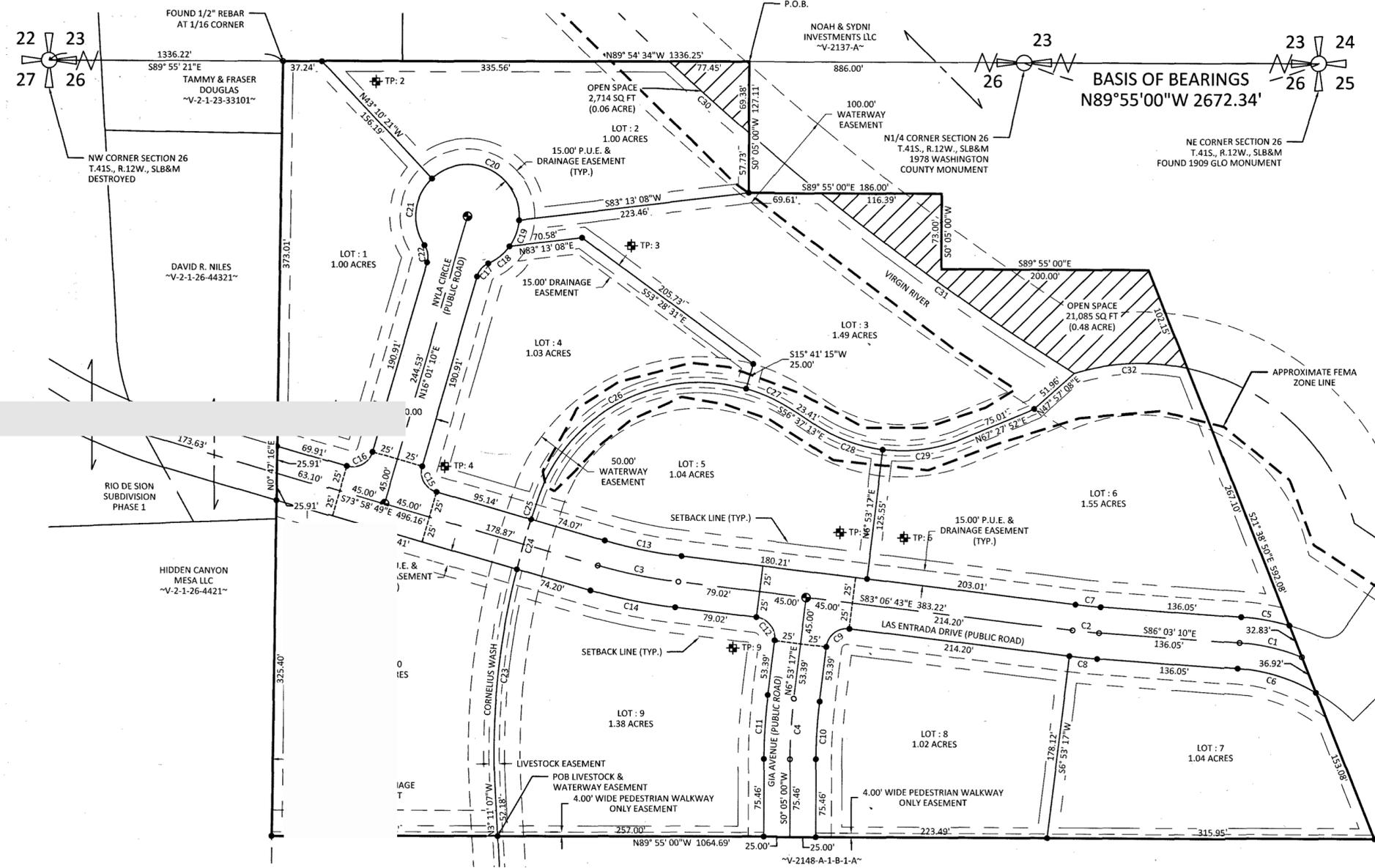
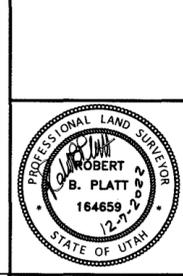


EXHIBIT H

R. PLATT & P. PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

REVISION	DATE	DATE	DATE
08/26/22			

**FINAL PLAT OF
ZION'S EDGE SUBDIVISION**
WITHIN SECTION 26, T. 41 S., R. 12 W., SLB&M
VIRGIN CITY, WASHINGTON COUNTY, UTAH



DRAWN BY: CJ WEAVER
CHECKED BY: R.B. PLATT
DATE: Dec 07, 2022
SCALE: 1" = 60'
SHEET: 1 OF 2

PLANNING COMMISSION APPROVAL
ON THIS THE 09 DAY OF March, 2022, THE PLANNING COMMISSION OF THE TOWN OF VIRGIN REVIEWED THE ABOVE "ZION'S EDGE SUBDIVISION" AND FIND THAT IT COMPLIES WITH REQUIREMENTS OF THE VIRGIN TOWN PLANNING ORDINANCES AND BY AUTHORIZATION OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE TOWN OF VIRGIN.
[Signature]
PLANNING COMMISSION CHAIRMAN

TOWN ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE
1/9/2023 *[Signature]*
TOWN ENGINEER, TOWN OF VIRGIN, UT

APPROVAL AS TO FORM
APPROVED AS TO FORM, THIS THE 9TH DAY OF March, A.D., 2022
[Signature]
TOWN ATTORNEY, TOWN OF VIRGIN, UTAH

APPROVAL AND ACCEPTANCE
PRESENTED TO THE TOWN OF VIRGIN COUNCIL, THIS 10TH DAY OF October, A.D., 2022 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED ACCORDING TO IT'S CONFORMING TO TOWN ORDINANCES.
[Signature]
TOWN OF VIRGIN, UTAH

TREASURER APPROVAL
I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS THE 10 DAY OF March, A.D., 2022 THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE ARE CURRENT FOR THIS SUBDIVISION. PLAT FEE HAS BEEN PAID IN FULL.
[Signature]
WASHINGTON COUNTY TREASURER

HURRICANE VALLEY FIRE DISTRICT
WE HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE
1-5-23 *[Signature]*
DATE FIRE MARSHALL, HURRICANE VALLEY FIRE DISTRICT

RECORDED NUMBER
DOC # 2023006886
2023 MAR 10 10:05 AM
BY J. BARS INVESTMENTS LLC
[Signature]
WASHINGTON COUNTY RECORDER

FILE: P:\Market\CD\Development\Virgin\Utah\DWG\08062022\Zion's Edge Final Plat.dwg

OWNER'S CONSENT AND DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY CONSENT TO THE SUBDIVIDING OF SAID PROPERTY INTO LOTS, STREETS, AND EASEMENTS AS SHOWN ON THIS PLAT OF ZION'S EDGE SUBDIVISION, AND DO HEREBY DEDICATE ALL STREETS AND EASEMENTS AS INTENDED FOR PUBLIC USE.

ALSO WE, THE UNDERSIGNED OWNERS, DO HEREBY WARRANT TO VIRGIN TOWN AND EACH PUBLIC UTILITY WHO WILL INSTALL AND MAINTAIN ANY RIGHTS OF WAY, PUBLIC UTILITIES AND/OR DRAINAGE FACILITIES ON THE HEREON DESCRIBED TRACT OF LAND, INCLUDING THEIR SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY AND EASEMENTS DEDICATED AND CONVEYED TO THE PUBLIC USE HEREON AGAINST THE CLAIMS OF ALL PERSONS.

JBARS INVESTMENTS, LLC, A UTAH LIMITED LIABILITY COMPANY

MUNSTER PROPERTIES, INC., A UTAH CORPORATION

JEFF STAPLES, MEMBER, JBARS INVESTMENTS, LLC, A UTAH LIMITED LIABILITY COMPANY

JOHN STAPLES, MEMBER, MUNSTER PROPERTIES, INC., A UTAH CORPORATION

ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Washington) SS:

Jeff Staples BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS A MANAGER OF JBARS INVESTMENTS, LLC, A UTAH LIMITED LIABILITY COMPANY; THAT HE/SHE HAS READ THE FOREGOING OWNERS CONSENT & DEDICATION AND KNOWS THE CONTENTS THEREOF; AND THAT HE/SHE SIGNED THE SAID DOCUMENT FOR ITS INTENDED PURPOSE UNDER THE AUTHORITY GIVEN HIM/HER BY THE OPERATING AGREEMENT OF THE COMPANY OR BY SPECIAL RESOLUTION OF THE MEMBERS OF THE COMPANY.

NOTARY PUBLIC

STATE OF Utah)
COUNTY OF Washington) SS:



John Staples BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS A MANAGER OF MUNSTER PROPERTIES, INC, A UTAH CORPORATION, THAT HE/SHE HAS READ THE FOREGOING OWNERS CONSENT & DEDICATION AND KNOWS THE CONTENTS THEREOF; AND THAT HE/SHE SIGNED THE SAID DOCUMENT FOR ITS INTENDED PURPOSE UNDER THE AUTHORITY GIVEN HIM/HER BY THE OPERATING AGREEMENT OF THE COMPANY OR BY SPECIAL RESOLUTION OF THE MEMBERS OF THE COMPANY.

NOTARY PUBLIC

STATE OF Utah)
COUNTY OF Washington) SS:



MORTGAGEE'S CONSENT TO RECORD

WE, LEE VALLEY ENTERPRISES LC, THE MORTGAGEE OR LIEN HOLDER HOLDING A SECURITY (OR LIEN) INTEREST IN THE PROPERTY DESCRIBED IN THIS "ZION'S EDGE SUBDIVISIONS FINAL PLAT, HEREBY CONSENT TO THE RECORDING OF SAID PLAT, CONSENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS PERTAINING TO THIS PLAT, IF ANY, AND JOIN IN ANY DEDICATIONS AS SHOWN ON OR INTENDED IN SAID PLAT.

Lee Valley Enterprises LC
[SIGNATURE]
Lee Valley Enterprises LC
[PRINT NAME]
Treasurer
[PRINT TITLE OR POSITION]

[SIGNATURE]

[PRINT NAME]

[SIGNATURE]

[PRINT NAME]

[PRINT TITLE OR POSITION]

MORTGAGEE ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Washington) SS:

ON THIS 14 DAY OF March A.D. 2023 BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE/SHE A MANAGER OF Lee Valley Enterprises LC, A Utah LIMITED LIABILITY COMPANY ("COMPANY"); THAT HE/SHE HAS READ THE FOREGOING CONSENT AND KNOWS THE CONTENTS THEREOF; AND THAT HE/SHE SIGNED THE SAID DOCUMENT FOR ITS INTENDED PURPOSE UNDER THE AUTHORITY GIVEN HIM/HER BY THE OPERATING AGREEMENT OF THE COMPANY OR BY SPECIAL RESOLUTION OF THE MEMBERS OF THE COMPANY.

NOTARY PUBLIC

STATE OF Utah)
COUNTY OF Washington) SS:



ON THIS _____ DAY OF _____ A.D. _____ BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE/SHE A MANAGER OF _____ A _____ LIMITED LIABILITY COMPANY ("COMPANY"); THAT HE/SHE HAS READ THE FOREGOING CONSENT AND KNOWS THE CONTENTS THEREOF; AND THAT HE/SHE SIGNED THE SAID DOCUMENT FOR ITS INTENDED PURPOSE UNDER THE AUTHORITY GIVEN HIM/HER BY THE OPERATING AGREEMENT OF THE COMPANY OR BY SPECIAL RESOLUTION OF THE MEMBERS OF THE COMPANY.

NOTARY PUBLIC

STATE OF _____)
COUNTY OF _____) SS:

ON THIS _____ DAY OF _____ A.D. _____ BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE/SHE A MANAGER OF _____ A _____ LIMITED LIABILITY COMPANY ("COMPANY"); THAT HE/SHE HAS READ THE FOREGOING CONSENT AND KNOWS THE CONTENTS THEREOF; AND THAT HE/SHE SIGNED THE SAID DOCUMENT FOR ITS INTENDED PURPOSE UNDER THE AUTHORITY GIVEN HIM/HER BY THE OPERATING AGREEMENT OF THE COMPANY OR BY SPECIAL RESOLUTION OF THE MEMBERS OF THE COMPANY.

NOTARY PUBLIC

Exhibit H

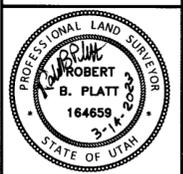
EXHIBIT H

**P
PLATT
&
P
PLATT, INC**
CONSULTING
CIVIL ENGINEERS
&
LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL:
PLATT@INFOWEST.COM



REVISION:	DESCRIPTION:
08/26/22	ADDRESSED TOWN REVIEW COMMENTS #1
DATE	DATE
DATE	DATE

FINAL PLAT OF
ZION'S EDGE SUBDIVISION
WITHIN SECTION 26, T. 41 S., R. 12 W., S1B&M
VIRGIN CITY, WASHINGTON COUNTY, UTAH



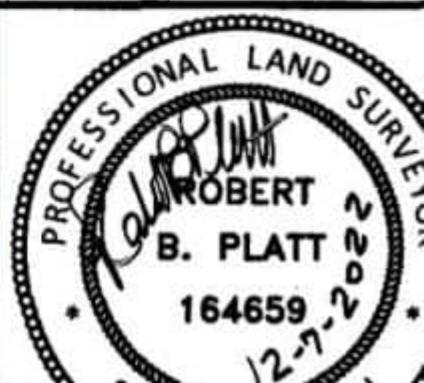
DRAWN BY:
CJ WEAVER
CHECKED BY:
R.B. PLATT
DATE: Mar 14, 2023
SCALE: N.T.S.

FILE: P:\Mktg\CI\Development\Virgin Utah\DWG\08062023\Zion's Edge Final Plat.dwg

56.38
62.31
28.28
75.62
83.48
28.28
28.28
16.90
26.31
26.86
93.20
64.81
16.90
208.04
50.00
16.66
230.26
<u>50.79</u>
70.16
77.95
103.99
300.11
109.38

- INDIVIDUAL PROPERTY OWNERS ARE RESPONSIBLE FOR KEEPING LIVESTOCK OFF OF THEIR PROPERTY.
10. INDIVIDUAL PROPERTY OWNERS ARE RESPONSIBLE TO RETAIN NUISANCE AND STORM WATER FROM THEIR LOT(S).
 11. LOTS 3, 4, 5, 6, 9, 10, ARE SUBJECT TO A 50' WIDE WATERWAY EASEMENT AND A 10' WIDE LIVESTOCK EASEMENT.
 12. LOT 10 IS SUBJECT TO A 30' WIDE ACCESS EASEMENT, & 25' WIDE DRAINAGE EASEMENT.
 13. LOT 4 IS SUBJECT TO A 15' WIDE DRAINAGE EASEMENT ALONG THE NORTHEAST BOUNDARY.
 14. REFERENCE DOCUMENTS:
 - 14.1. ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY GRIFFITHS & TURNER TITLE SERVICES INC., COMMITMENT NUMBER W49424GB, DATED APRIL 12, 2022.
 - 14.2. RIO DE SION SUBDIVISION, PHASE 1 FINAL PLAT DATED DECEMBER 1, 2005 BY BUSH & GUDGELL, INC.
 15. LOTS 7 AND 8 WILL NEED NEW SOIL TEST PITS BEFORE BUILDING PERMITS CAN BE ISSUED.
 16. LOT NUMBER 1 SHALL NOT EXCEED ONE STORY ABOVE GRADE.
 17. FOR EVERY BEDROOM IN A DWELLING UPON A LOT THAT EXCEEDS 2 BEDROOMS AN ADDITIONAL DESIGNATED PARKING STALL SHALL BE PROVIDED VIA GARAGE SPACE, DRIVEWAY OR PAVED PARKING AREA WITHIN THE SIDE YARD OF A LOT.
 18. A 30 FOOT ACCESS EASEMENT ACROSS THE WESTERNMOST EDGE OF LOT 10 IS HEREBY GRANTED TO THE PUBLIC AND THE OWNERS OF PARCEL V-2-1-26-4421 FOR NON-COMMERCIAL, NON-MOTORIZED TRAFFIC AND MAY BE TEMPORARILY CLOSED AT THE DISCRETION OF THE ZIONS EDGE OWNERS ASSOCIATION DUE TO CONSTRUCTION, NUISANCE AND OR SAFETY HAZARDS. OWNERS NEITHER GRANTS NOR GUARANTEES ACCESS TO THE PUBLIC FROM ENTRADA DRIVE BEYOND THE END OF THE SOUTHERNMOST EDGE OF LOT 10 INCLUDING ACCESS ACROSS V-2-1-26-4421.

FINAL PLAT OF
ZION'S EDGE SUBDIVISION
 WITHIN SECTION 26, T. 41 S., R. 12 W., SLB&M
 VIRGIN CITY, WASHINGTON COUNTY, UTAH



Town of Virgin

Town Council Special Meeting October 14, 2022

Final Minuets

Town Council:

- Jean Krause – Mayor
- LeRoy Thompson
- Mistie Baird
- Paul Luwe
- Gene Garate
- Heath Snow – Attorney -ZOOM

Attendance:

- Krystal Percival
- Cameron Spendlove
- Marci Holm
- Stan Burt
- Givlia Bennett
- Curtis Bennett
- Keith Fanta
- Wanda Leverett
- Gary Leverett
- Carol Boissonnault
- Skip Boissonnault
- Cindy Escude
- Pat Galvez
- Becky Galvez
- Jose Escude
- Drew Scheltinga
- Jeff Staples
- John Ely
- John Staples
- Loren Campbell

1. REGULAR MEETING-10:02AM

A. Call to Order – Jean Krause

Jean Krause stated that per her training at the ULTC the council will need to state as to why they are voting the way they are voting.

B. Declaration of Conflict of Interest

-Jean Krause stated she has a conflict of interest on Item C (: Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay. Jean Krause will not vote on item C.

-Mistie Baird stated that she has a conflict of interest the appeal Item D (Discussion on decision of Appeal by John Ely ("Appellant") of the Virgin Conditional Use Permit dated March 16, 2022, issued by the Virgin Planning and Zoning Commission to Labrie Virgin Commercial Project, LLC ("Permitee") for the construction and operation of fuel station business at approximately 1355 State Route 9, Virgin, Utah ("CUP #1"). (16 conditions level 2) Mistie Baird will not be included in the discussion on item D.

C. Discussion and recommendation to approve or deny: Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay.

- If passed would make this subdivision a short-term rental.

My name is Loren Campbell, and I live here in Virgin, and will be one of the closest neighbors to Zions Edge Subdivision. I have 2 concerns I would like for the Town Council to address.

I am beginning with the assumption that the Town of Virgin Planning and Zoning and Town Council have not indicated in the Ordinance they have a finding that all conditions outlined below

have been fully complied with all the requirements of VULU 60.02 which include in part:

1. At the Subdivision Concept Plan review stage of the approval process that the applicant submitted with their Concept Plan a narrative indicating that a STR Development Overlay Zone designation is being requested, and the Concept Plan shall include the following information:
 - a. ...the proposed area dimensions, existing and proposed drainage facilities, easements and fire hydrants
 - b. The proposed area dimensions, existing and proposed elevation contours
2. The Town shall not approve a STR Development Overlay Zone designation for a Development unless it finds the following:
 - a. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis, at this particular location, is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and community; and
 - b. That a Development wide Short-Term Rental use of Dwelling Units will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; and
 - c. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis will comply with all other regulations and conditions specified in this Chapter including individual Owners of STR Units obtaining and renewing a STR Permit; and
 - d. That the proposed zoning designation and the development of Dwelling Units as STR Units on a Development wide basis is expressly authorized by the governing documents of the Development (i.e. CC&Rs and By-Laws of a Homeowners Association); and
 - e. That the governing documents of the Development require Owners of an STR Unit to utilize one singular property management company (determined by the Homeowners Association) to handle all STR renting of the STR Units within the Development. The designated property management company must be licensed and bonded in the State of Utah and need not have it its principal place of business within the Town but shall have a physical office and employees located within Washington County. The designated property management company shall maintain current contact information for persons within the company who are capable of being contacted 24 hours a day, 7 days a week, in the event the Town or local law enforcement are notified of an issue or a complaint that needs resolution; and
 - f. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis conforms to, or does not contradict with, the intent of the General Plan.

3. The Town should add to the proposed Ordinance the following Recital:

WHEREAS, the Town has reviewed all of the Requirements and Findings outlined in the Town's Uniform Land Use Code Ordinance 60.02, and find that the Application met all of those requirements.

4. My other concern is that having lived in a community that permitted STRs, is that unsupervised tenants might have raucous or noisy behavior from parties. The applicant, John Staples, told me in detail what happened when he rented his personal home to a Red Bull Rampage guest, in his words, they destroyed it. Please describe in detail what actions a resident should take when behavior occurs that affect the quiet enjoyment of our community, and what actions can be taken to stop the behavior.

Cameron Spendlove gave an update on the comments for the Planning and Zoning meeting and the concerns that were brought up. Such as Water, drainage, traffic, and dust issues. Cameron Spendlove stated that the recommendation from planning and zoning was for it to be approved.

Paul Luwe stated that he is proposing some amendments, but that he is going to vote no on the final motion. The amendments that he is proposing are related to some of the complaints such as noise, trash, parking, along with lighting but he needs to look at the lighting ordinance. No roof top decks on houses for STR homes as it creates a lot of noise. The other is on street parking, the concern is young families renting with kids and the kids running out in the street to play and possibly getting hit with too many cars on the street. Paul Luwe suggests an additional off-street parking spot for additional parking.

Health Snow stated that the parking should go with how many people could rent the house. Such as a larger driveway or side parking. Several municipalities that have STR houses have parking based on the number of people that can stay at the house.

Gene Garate stated the complaint process section 60.02 G 3&4. Should help with the complaints and how the process goes. This would be for long term processes. The Police would be for on-the-spot/in the moment issues. Gene Stated that he does agree with the additional parking.

Heath Snow stated that the management company should oversea a lot of issues such as they can evict such for being a nuisance and they could lose their deposit or be warned.

Gene Garate stated that for running one for several years, people are quite good as the people who rent the STR want that five-star rating so they may rent in other places.

John Staples Stated that he wanted to address a couple of things, I have coordinated with Jason Christensen and Jeff Lee about them teaming up to represent a management company and them both using them, they have 4 management companies in mind. John Stated that he has his house for a STR and a bed n Breakfast, He stated that he has never had one complaint. The only issue was when a bunch of young kids trashed his house. That was the only issue he had for many years. He stated that he had a lot of folks from overseas it was a lot of fun to meet new people. John stated that he plans on keeping at least one lot. He stated we are not builders, they are developers. As far as the dust with the razers/ATV, to get to the BLM land, he suggests we have gate wide enough where only two people could walk through. He is not sure what to do about the ATVS, He doesn't like ATVS by his house but wants only a walking gate. There is an easement to get to the BLM land that belongs to Allen Lee and his family. That is an agreement, however we cannot guarantee that the easement can or will be opened to anyone as past that easement is the Lee's private property.

Heath snow stated that this easement needs to be noted on the plat as a walk-through easement.

Jeff Staples asked if anyone has read their CCRs?? Gene Garate stated that he only has read them once. Jeff Staples stated that he is fine with no roof top decks. John Staples stated that he would like to see the houses look like Rio De Sion.

Health Snow stated that the CCRs need to be adjusted that the requirement about off street parking. John Staples stated that he will have his attorney input the parking into the CCRs. Gene Garate asked about a one level home. Jeff stated that lot number 1 cannot be bigger than a one level home.

Paul Luwe stated he will be voting no because:

1. The short-term rental (STR) will NOT contribute to the general well-being of the neighborhood and community; (VULU§ 60.2C8a)
2. That STR development will be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity (VULU § 60.2C8b)
3. The STR development is contrary to the General Plan chapter 6 housing – it will contribute to the increase in housing prices and decrease the availability of house stock available for long term rental.
4. The SRT is contrary to General Plan § 8.03A5 in that it will not encourage affordable housing options for families to move to Virgin and securing the sustainability of long-term residents.

-Gene Garate made a motion to approve Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay.
LeRoy Thompson 2nd

Paul Luwe made an amendment that the CCRs include 3 off street parking spots if more than 4 bedrooms per home. Gene Garate 2nd Roll call vote was taken:

Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Paul Luwe gave a 2nd amendment to include the CCRs to be amended to allow the management company to allow to evict tenancies (Tenants) causing a nuisance violation. Leroy Thompson 2nd.

Roll Call Vote was taken:
Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Paul Luwe gave a 3rd amendment for no roof top decks on houses that are a short-term rental.
-NO SECOND – Amendment Fails

Gene Garate has a 4th amendment in addition to allow a right of way to a private noncommercial access to be included in the CCRS. LeRoy Thompson 2nd

Roll Call Vote was Taken:
Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Gene Garate gave a 5th amendment to include in the CCRs that lot one will be only a one level home.

Mistie Baird 2nd
Roll Call vote was taken:
Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Mayor Jean Krause asked for a roll call vote to include the amendments
Paul Luwe- NAY
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE
Jena Krause – Abstained. – She lives next to the subdivision

Motion Passed with a 3/1 vote

D. Discussion on decision of Appeal by John Ely ("Appellant") of the Virgin Conditional Use Permit dated March 16, 2022, issued by the Virgin Planning and Zoning Commission to Labrie Virgin Commercial Project, LLC ("Permittee") for the construction and operation of fuel station business at approximately 1355 State Route 9, Virgin, Utah ("CUP #1"). (16 conditions level 2)

Heath Snow stated that the appeal was not filed in a timely matter.

John Ely stated that he thinks that the appeal was never really posted that the conditional use permit was a year later. He stated that many CUPS in the past have been posted on the public notice website. And feels there are several issues that need to be addressed.

A discussion was held with John Ely, Council and Town Attorney (Heath Snow)

Wanda Leverett – asked some questions

Cindy Escude – made some comments

Pat Galvez – Stated that he received an email from the town clerk about water being shut off and would like to use that as communication on future notifications.

John Ely stated that the permit should be posted on site - and he has been there several times and it's not posted.

This will be voted on in the October 26, 2022, Town Council Meeting.

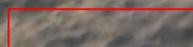
2. ADJOURN PUBLIC MEETING: 12:04pm
Motion to Adjourn Public Meeting

Jean Krause made motion to adjourn the public meeting Gene Garate 2nd
-ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN

Approved: November 16, 2022


Krystal Percival Clerk/Recorder

Exhibit J



Dec 18, 2025 at 9:09:28 AM
500-510 E Entrada Dr
Virgin UT 84779
United States



Exhibit J

Page 36 of 47

Dec 18, 2025 at 9:11:18 AM
200-298 S Red Hill Ln
Virgin UT 84779
United States

NOTICE
MAKE SURE
GATE IS CLOSED

NO
TRESPASSING



From: president@utahpla.com
Sent: Thursday, June 1, 2023 2:25 PM
To: victor.iverson@washco.utah.gov; gil.almquist@washco.utah.gov; nicholle.felshaw@washco.utah.gov; adam.snow@washco.utah.gov
Cc: heath.hansen@washco.utah.gov; mayor@virgin.utah.gov; Clerk; Laura Ault; jmgarfield@utah.gov; hballard@utah.gov; brben@sharetrails.org
Subject: Proposed Closure of RS 2477 Road Access to BLM in Virgin by Developer
Attachments: Endorsement Letters on County Commissioner Email.zip; Both Roads Proposed for Closure.png; Public Roads and Utah Public Access Rights.pdf; Washington County Land Access Policy_OCR.pdf

Importance: High

Dear Commissioners:

I am the President of Utah Public Lands Alliance, and a resident of Virgin, Utah. I recreate often in the BLM and SITLA lands between Gooseberry Mesa and Entrada Drive in Virgin. I am very concerned that the Town of Virgin allowed a developer to close a public highway to vehicle access connecting Entrada Dr with BLM land and Sheeps Bridge Road. At their October 2022 Town Council Meeting, Virgin approved a subdivision plan allowing the developer, JBARS, to close the highways known as RS 2477 Road 0648 and 0650. The attached Access Rights article quotes "that even if abandoned by a local government entity, RS 2477 ar still public roads until abandoned by the State Department of Transportation....this makes it impossible for cities and counties to completely vacate roads created on federal lands before statehood." Utah Code Ann 872-5-305

I have been working with Laura Ault, Jake Garfield, and Assistant Attorney General Hayden Ballard from the Utah Public Lands Policy Coordinating Office about the closure. I also discussed this with Washington County Regional Tourism Regulatory Affairs Director Heath Hansen, and he suggested the next step might be to reach out to the County Commissioners.

The developer claimed that the roads are seldom used by the public, which is untrue. My property is adjacent to Road 0648 and I can testify that the road is used frequently by ATV/UTVs, Jeeps, Equestrians, Pickups, Campers, and Mountain Bikers. Frequent use is also evidenced by the multitude of vehicle tracks on the road. Both roads have also been used for access to Red Bull Rampage, an annual event which attracts thousands of enthusiasts every year into the beautiful backcountry. The roads are also frequently used as routes for both biking and running events. I, along with many other homeowners in Virgin purchased their lots to build homes in part because of the easy access to BLM.

The developer also claimed that access to the BLM land could be accessed from Sheeps Bridge Road, but that is 10 miles away over rough roads that require 4 wheel drive and high clearance, so it will severely restrict access by the current OHV, camping and biking users. Further, it will change the area from being a circuit route to just a one way in and out.

Further, these highways also provide the only alternate access to homeowners south of the Virgin River if the Camino del Rio bridge were closed for any reason.

Washington County's Resource Management Plan Land Access Plan clearly recognizes the importance of protecting RS 2477 highways. I would like for the County to contact the Town of Virgin about finding alternatives to keep these public highways accessible to the BLM lands. In addition to being afforded protection under RS 2477, the roads would also qualify for protection under Utah Code 72-5-104 as a Public Use Dedicated Road, having been in use for many decades.

I attached several resources for your information:

- A map of the area showing the RS 2477 proposed closures and the surrounding recreation area
- An excellent resource guide by the Utah Public Land Use Institute on Public Access Rights on Public Roads and Private Lands that describes RS 2477 and 72-5-104 public highway dedications.
- Excerpt from the Washington County RMP Land Access Policy
- First 81 endorsers that requested adding their support to this request to keep these historic highways kept open.

Thank you for your consideration, I am available at any time to discuss this matter further, or to arrange a tour of the area.

Sincerely,

Loren Campbell
President, Utah Public Lands Alliance
Virgin Resident
909-499-3295

Utah Public Lands Alliance
www.UtahPLA.com/help



*Together We Will Win the Fight,
But We Can't Do It Without **You!***

Utah Public Lands Alliance is a 501c(3) tax-exempt non-profit organization. Your donation is tax deductible within the limitations of IRS regulations.

president@utahpla.com

From: president@utahpla.com
Sent: Wednesday, November 8, 2023 5:30 PM
To: 'Victoria Hales'; adam.snow@washco.utah.gov; Mayor@virgin.Utah.gov; 'Heath Snow'
Cc: brben@sharetrails.org; Laura Ault; hballard@utah.gov; jrwest@blm.gov
Subject: RE: Proposed Closure of R.S. 2477 ROW to BLM in Virgin by Developer/JBARS
Attachments: IMG_4564.jpg; Washington County Land Access Policy_OCR.pdf; IMG_1773.jpg; IMG_1776.jpg; Adair Affidavirt 0648 12-19-2007.pdf; Adair Affidavit 0648 8-17-2010.pdf; Adair Affidavit 0650 12-19-2007.pdf; Blake Deposition 12-7-2016.pdf; Reeve Deposition 1-30-2019.pdf; Washington County Commissioners Letter on RS 2477 Roads_Signed.pdf; Final Plat Approval by Town of Virgin_000122.pdf

Importance: High

I have been communicating with each of you about a proposed closure of Road 0648 by a developer in Virgin since earlier this year.

I am sad to say that the developer, or his agents, have now closed RS2477 Road 0648 by digging a drainage ditch across the road approximately 15’ wide. I have attached photos showing the current condition.

It is my understanding that UCA 72-5-104 controls the creation of public use roads, providing that “[a] highway is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years. This road:

- 1) Has long been established as a public use road since 1952 as documented by the depositions done by PLPCO (Attached).
- 2) Has been continuously used well in excess of 10 years. I have neighbors that have lived here since 2007 that will testify that they have used the road as often as they felt it was convenient or necessary. I have personally used it at least monthly since we moved here in 2020.
- 3) Has been used by the public to access the BLM and SITLA lands behind it, including numerous foot and bicycle races and Red Bull Rampage. When floods closed the bridge to our neighborhood, the only access in or out of our neighborhood was Road 0648. Current and already approved plans for 111 homes in our neighborhood may be severely impacted if this alternate access is allowed to stand closed.

These arguments are bolstered by the facts supporting dedication it’s dedication as a RS 2477 road, “which can only be abandoned by the State Department of Transportation, making it impossible for cities and counties to vacate roads” This also seems to mean that Virgin’s Plat Approval where they allowed the closure of the easement area to vehicle traffic was unlawful. (Copy of Plat attached)

The gate that still hangs next to the new drainage ditch still has a sign on it that says “Notice: Make Sure Gate Is Closed” In June, a new sign was added, which said “Private Property-Keep Out” This could be an argument that this was the first attempt to close the road, but the 15’ wide drainage ditch bisecting the road is a clear sign that the road has now been closed illegally.

In addition, it seems that allowing this closure to occur is clearly against the County’s Land Access Policy, which states that “RS2477 rights of way are considered open and maintained to the extent necessary to provide access to the public.” This policy would seem to infer that the county has an intent to keep them open.

This is a concern for not only Utah Public Lands Alliance, but for many other county citizens and myself personally. Please recall that in my June 1 letter, I forwarded letters of objection from 81 other citizens with my June 1 letter to you (Copy Attached). We are all very concerned about this closure.

Perhaps even more important is that if this closure is allowed to stand, it will set a precedent allowing other improper closures of roads throughout the County.

I would really like an opportunity to meet with you to discuss the matter further, please let me know when would be convenient.

Loren Campbell
President
909-499-3295
Utah Public Lands Alliance
www.UtahPLA.com/help



*Together We Will Win the Fight,
But We Can't Do It Without You!*

Utah Public Lands Alliance is a 501c(3) tax-exempt non-profit organization. Your donation is tax deductible within the limitations of IRS regulations

From: president@utahpla.com <president@utahpla.com>
Sent: Tuesday, August 15, 2023 10:28 AM
To: 'Victoria Hales' <Victoria.Hales@wcattorney.com>
Cc: adam.snow@washco.utah.gov; brben@sharetrails.org; Laura Ault <lauraault@utah.gov>; jmgarfield@utah.gov; hballard@utah.gov
Subject: RE: Proposed Closure of R.S. 2477 ROW to BLM in Virgin by Developer/JBARS
Importance: High

Ms. Hales,
I would like an update on your review of this matter for Commissioner Adam Snow.

I know that ownership of the lot affecting this route has changed recently, and it is still a relatively simple matter to clearly reestablish the easement across the affected area at this point and largely mitigate this access, but if it goes much longer construction will be planned that may make compliance much more difficult and expensive.

I believe that the County's Land Access Policy (annotated copy attached) is pretty clear that the County's stated policy is to "zealously protect roads where public use has been established", but it is not clear how that protection is to be achieved.

In this case, the PLPCO depositions previously submitted clearly establish the existence and historic use of these roads back into the 1930s.

I would like to clearly understand the County's instructions on the best practices associated with reporting and enforcing attempted closures. We are talking specifically about only one issue now, but I'm certain this will arise repeatedly by other development activity in the County.

Can we schedule a time to meet?

Exhibit L

Loren Campbell
President
909-499-3295

Utah Public Lands Alliance
www.UtahPLA.com/help



*Together We Will Win the Fight,
But We Can't Do It Without **You!***

Utah Public Lands Alliance is a 501c(3) tax-exempt non-profit organization. Your donation is tax deductible within the limitations of IRS regulations.

From: Victoria Hales <Victoria.Hales@wcattorney.com>
Sent: Friday, June 2, 2023 10:55 AM
To: president@utahpla.com
Subject: Proposed Closure of R.S. 2477 ROW to BLM in Virgin by Developer/JBARS

Good morning Mr. Campbell,

County Commissioner, Adam Snow, asked the attorney's office to look into the issues raised in your email, copied below. Can you please send me the maps and other attachments from your original email? The attachments were polluted when they got forwarded, and I can't open them (only the attachment with the Endorsement Letters worked). I will be working on this issue, and my direct phone number is below for your convenience.

From: president@utahpla.com
Date: June 1, 2023 at 2:26:05 PM MDT
To: Victor Iverson <Victor.Iverson@washco.utah.gov>, Gil Almquist <Gil.Almquist@washco.utah.gov>, Nicholle Felshaw <Nicholle.Felshaw@washco.utah.gov>, Adam Snow <Adam.Snow@washco.utah.gov>
Cc: Heath Hansen <Heath.Hansen@washco.utah.gov>, mayor@virgin.utah.gov, Clerk <clerk@virgin.utah.gov>, Laura Ault <lauraault@utah.gov>, jmgarfield@utah.gov, hballard@utah.gov, brben@sharetrails.org
Subject: Proposed Closure of RS 2477 Road Access to BLM in Virgin by Developer
Reply-To: president@utahpla.com

Dear Commissioners:

I am the President of Utah Public Lands Alliance, and a resident of Virgin, Utah. I recreate often in the BLM and SITLA lands between Gooseberry Mesa and Entrada Drive in Virgin. I am very concerned that the Town of Virgin allowed a developer to close a public highway to vehicle access connecting Entrada Dr with BLM land and Sheeps Bridge Road. At their October 2022 Town Council Meeting, Virgin approved a subdivision plan allowing the developer, JBARS, to close the highways known as RS 2477 Road 0648 and 0650. The attached Access Rights article quotes "that even if abandoned by a local government entity, RS 2477 ar still public roads until abandoned by the State Department of Transportation....this makes it impossible for cities and counties to completely vacate roads created on federal lands before statehood." Utah Code Ann 872-5-305

I have been working with Laura Ault, Jake Garfield, and Assistant Attorney General Hayden Safford from the Utah Public Lands Policy Coordinating Office about the closure. I also discussed this with Washington County Regional Tourism Regulatory Affairs Director Heath Hansen, and he suggested the next step might be to reach out to the County Commissioners.

The developer claimed that the roads are seldom used by the public, which is untrue. My property is adjacent to Road 0648 and I can testify that the road is used frequently by ATV/UTVs, Jeeps, Equestrians, Pickups, Campers, and Mountain Bikers. Frequent use is also evidenced by the multitude of vehicle tracks on the road. Both roads have also been used for access to Red Bull Rampage, an annual event which attracts thousands of enthusiasts every year into the beautiful backcountry. The roads are also frequently used as routes for both biking and running events. I, along with many other homeowners in Virgin purchased their lots to build homes in part because of the easy access to BLM.

The developer also claimed that access to the BLM land could be accessed from Sheeps Bridge Road, but that is 10 miles away over rough roads that require 4 wheel drive and high clearance, so it will severely restrict access by the current OHV, camping and biking users. Further, it will change the area from being a circuit route to just a one way in and out.

Further, these highways also provide the only alternate access to homeowners south of the Virgin River if the Camino del Rio bridge were closed for any reason.

Washington County's Resource Management Plan Land Access Plan clearly recognizes the importance of protecting RS 2477 highways. I would like for the County to contact the Town of Virgin about finding alternatives to keep these public highways accessible to the BLM lands. In addition to being afforded protection under RS 2477, the roads would also qualify for protection under Utah Code 72-5-104 as a Public Use Dedicated Road, having been in use for many decades.

I attached several resources for your information:

1. A map of the area showing the RS 2477 proposed closures and the surrounding recreation area
2. An excellent resource guide by the Utah Public Land Use Institute on Public Access Rights on Public Roads and Private Lands that describes RS 2477 and 72-5-104 public highway dedications.
3. Excerpt from the Washington County RMP Land Access Policy
4. First 81 endorsers that requested adding their support to this request to keep these historic highways kept open.

Thank you for your consideration, I am available at any time to discuss this matter further, or to arrange a tour of the area.

Sincerely,

Loren Campbell
President, Utah Public Lands Alliance
Virgin Resident
909-499-3295

Utah Public Lands Alliance

www.UtahPLA.com/help

*Together We Will Win the Fight,
But We Can't Do It Without **You!***

Utah Public Lands Alliance is a 501c(3) tax-exempt non-profit organization. Your donation is tax deductible within the limitations of IRS regulations.

Exhibit L

Victoria H. Hales

Washington County Attorney's Office
(435) 301-7129



president@utahpla.com

From: president@utahpla.com
Sent: Thursday, March 7, 2024 11:36 AM
To: adam.snow@washco.utah.gov; Mayor@virgin.Utah.gov
Cc: 'Chris Potter'; 'Jeffery Albrecht'; Laura Ault; hballard@utah.gov; sheriff@washerriff.net
Subject: Illegal Closure of Public Road in Virgin
Attachments: Both Roads Proposed for Closure.png; Public Roads and Utah Public Access Rights.pdf; Washington County Land Access Policy_OCR.pdf; Drastic Closure Method_Smaller.png; Endorsement Letters on County Commissioner Email.zip

Importance: High

Dear Commissioner Snow and Mayor Krause:

I am the President of Utah Public Lands Alliance, and a resident of Virgin, Utah. I recreate often in the BLM and SITLA lands between Gooseberry Mesa and Entrada Drive in Virgin. I am very concerned that the Town of Virgin allowed a developer to close a public highway to vehicle access connecting Entrada Dr with BLM land and Sheeps Bridge Road. At Virgin's October 2022 Town Council Meeting, Virgin approved a subdivision plan allowing the developer, JBARS, to close the highways marked on the attached map as RS 2477 Road 0648 and 0650, which are B or D roads. The Developer has only closed the road furthest west, but has indicated he also intends to close the road closer to the bridge. These are located in Virgin within 300' of my home.

This closure was done without respect the protections afforded right of ways qualifying for public roads under Utah Code [§72-5-105](#) and [§72-5-104](#). Section 104 provides how roads used by the public are dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years. Section 105 clarifies that dedicated roads are protected regardless of whether they are a Class A, B, C, or D road. Case law and Utah Legislative Action as recent as this year with [S.B. 067](#) have reinforced the clear intent of the legislature that there is significant public interest in this matter, and interpretations by the Utah Supreme Court have reinforced that these dedications are intended to be enduring.

To substantiate the historic existence of these roads, it should be noted that they are listed as R.S. 2477 roads and PLPCO has taken at least 5 depositions substantiating that historic use. In addition, the nearest neighbor to the road is Mayor Gene Krause, who can easily attest to its use for recent years.

The Town's decision was made largely based on testimony from the Developer on several assertions that are untrue:

1. The developer claimed that the roads are seldom used by the public, which is untrue. My property is adjacent to the road marked as Road 0648 and I can testify that the road is used frequently by ATV/UTVs, Jeeps, Equestrians, Pickups, Campers, and Mountain Bikers. Frequent use is also evidenced by the multitude of vehicle tracks on the road. Both roads have also been used for access to Red Bull Rampage, an annual event which attracts thousands of enthusiasts every year into the beautiful backcountry. The roads are also frequently used as routes for both biking and running events. Many homeowners in Virgin purchased their lots to build homes in part because of representations by the same

Developer that there was easy access to BLM. Attached are 81 affidavits signed by neighbors that were collected in a single weekend at the outset of this dispute.

2. The developer claimed that access to the BLM land could be accessed from Sheeps Bridge Road, but that is 10 miles away over rough roads that require 4 wheel drive and high clearance, so it will severely restrict access by the current OHV, camping and biking users. Further, it will change the area from being a circuit route to just a one way in and out which seriously affects the recreational value.

The Developer has now dug a 30' wide 15' deep ditch that effectively closes the route to vehicle traffic as illustrated in the attached photo. UPLA and other responsible land advocates always reinforce the importance of users staying on designated routes and trails, but users have created an unauthorized bypass route to get around the blockage, thereby trespassing on other properties that were not previously used.

Further, these highways also provide alternate access to homeowners south of the Virgin River if the Camino del Rio bridge were closed for any reason. Additionally in an emergency such as a fire or serious injury in the backcountry, it will seriously impact access by emergency personnel.

It seems clear to me that the intent of the Utah Legislature is steadfast in their goal of keeping access to our public lands for all users, and Washington County's Resource Management Land Access Plan also recognizes the importance of protecting County B & D roads as well as RS 2477 highways and public highways. I have been diligent in my pursuit to keep these roads open.

- I began by talking directly to the Developer, who refused to mitigate the concerns, and had his attorney send me a notice to only communicate through him.
- I made an appeal to the Virgin Town Council before they granted the Developer permission to close the road to vehicle traffic. They ignored my request and approved the subdivision.
- I worked with Laura Ault, Jake Garfield, and Assistant Attorney General Hayden Ballard from the Utah Public Lands Policy Coordinating Office, who provided me the depositions on the road upon a Grama Request.
- I solicited for and obtained objection letters from 81 residents opposing the closure.
- I met onsite with Washington County Regional Tourism Regulatory Affairs Director Heath Hansen, who suggested contacting County Commissioners.
- On June 1, 2023 I wrote a letter to County Commissioners. Victoria Hales contacted me for more information. I also provided additional information to Commissioner Snow, but the last contact I had with him was November 9, 2023 when he assured me was aware and was working on a solution and would meet with me to discuss it before it was finalized.
- I met with Sheriff Nate Brooksby about the illegal closure, and confirmed that he would assist in reopening the route upon approval from the County Attorney
- I spoke to UDOT about the closure and received additional information.

I attached several resources for your information:

- A map of the area showing the roads marked as RS 2477 Roads 0648 and 0650 proposed closures and the surrounding recreation area
- An excellent resource guide by the Utah Public Land Use Institute on Public Access Rights on Public Roads and Private Lands that describes in great detail public highway dedications and closures.
- Excerpt from the Washington County RMP Land Access Policy

- Photos of the illegal closure done by the developer.
- First 81 endorsers that requested adding their support to this request to keep these historic highways kept open.

This road was illegally closed, which may constitute a Class C misdemeanor under [Utah Code §72-5-118](#). I have been diligent in my pursuit for assistance with this for the past 18 months without any affirmative results.

I would like to have a team of volunteers reopen the route, and can do so very quickly. I would like your approval to do so. I am available at any time to discuss this matter further, or to arrange a tour of the area.

Sincerely,

Loren Campbell
President
909-499-3295
Utah Public Lands Alliance
www.UtahPLA.com/help



*Together We Will Win the Fight,
But We Can't Do It Without **You!***

Utah Public Lands Alliance is a 501c(3) tax-exempt non-profit organization. Your donation is tax deductible within the limitations of IRS regulations.

Attachments

CC:

Jeffery Albrecht, UDOT
Chris Potter, UDOT
Sheriff Nate Brooksby
Laura Ault, Utah Public Lands Policy Coordinating Office
Hayden Ballard, Utah Public Lands Policy Coordinating Office