

Minutes

UTAH LAND USE & EMINENT DOMAIN ADVISORY BOARD

Office of the Property Rights Ombudsman

160 East 300 South, 4th Floor, Department of Commerce

Conference Room 475 & via Zoom

(An audio recording of the minutes is available on the public meetings website.)

August 6, 2025, 10:00 a.m.

ADVISORY BOARD:

Brent Bateman, Vice Chair

Nathan Bracken

Clint Drake

Mike Kendall

Cate Klundt

Absent and Wade Budge

Excused:

Office of the Property Rights Ombudsman:

Jordan Cullimore, Director & Lead Attorney

Marcie Jones, Attorney

Richard Plehn, Attorney

Rob Terry, Statewide Land Use Training Director

Cyndy Nelson, Board Secretary

VISITORS:

Greater Salt Lake Municipal Service District

- Amariah Gibbs

Hansen Planning Group

- Mike Hansen
- Jacob Hansen

Utah Land Use Institute

- Craig Call

Utah League of Cities and Towns

- McKenna Marchant
- Molly Wheeler

Utah State University

- Jordan Smith

ADMINISTRATIVE MATTERS:

Approval of Minutes:

MOTION: Mike Kendall made a motion to approve the minutes of the Board meeting held May 14, 2025. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

Board Nominations:

Mr. Cullimore states the Board has one seat to fill, identified as *an individual who is involved in the land use community but doesn't represent either the private or the public interests*. The

Ombudsman's Office has been considering some possible candidates, but he will reach out to each Board member in the coming weeks to discuss.

The Board discussed the possibility of changing the leadership of the Board or waiting until an additional Board member has been appointed. The consensus was to wait until the new Board member could weigh in.

Advisory Opinion Tracking:

Mr. Cullimore reviewed the advisory opinion tracking sheet (included with the Board materials) indicating the Office has issued 5 advisory opinions since the last Board meeting. There are currently 15 pending advisory opinion matters.

Mr. Bateman inquired if the tracking sheet showed the status, length of time taken, or reasons for delays (e.g. waiting for specific information). He stated if this information was known, the Board may be helpful in speeding up the advisory opinion process.

Mr. Bracken suggested developing a protocol for submissions to help facilitate review and assist new applicants who are unfamiliar with the process by ensuring more information is provided upfront.

Mr. Kendall agreed and stated there have been some "rumblings" about time frames and various other issues. It would be helpful to know and be able to show the challenges the Office is facing as they move through the advisory opinion process.

Mr. Cullimore states the Office has been trying to tighten up the process as well and strike a balance between having the process be more accessible and making sure staff have the information needed to write their opinion. He appreciates the Board's feedback and will include that information in further advisory opinion reports.

University Partnerships – ULCT Partnership

The University Partnership (the "Partnership") is intended to strengthen collaboration between local university graduate programs, both for professors and students, to increase engagement with state agencies and rural communities. The deliverables would be the production of updated guidebooks, templates and best practices (tangible resources) for communities to utilize via the Land Use Academy of Utah ("LUAU") website. This aligns directly with the governor's Government Reform, Innovation and Transparency ("[GRIT](#)") initiative by seeking to find additional ways state agencies can be efficient as possible and provide great content for people. Two representatives of the Utah League of Cities and Towns ("ULCT") are present: McKenna Marchant, Local Administrative Advisor ("LAA") program manager and Molly Wheeler, deputy director of ULCT.

ULCT has a contract with the State to provide Local Administrative Advisors at the AOGs throughout the State. They work on a regional level and with 140 plus individual entities who do not have any full-time administrative staff with both administrative responsibilities and, recently, planning support. A recent change in the contract now allows them to engage directly in planning assistance.

The Partnership operates through a three-tiered system with stipends ranging from \$100 to \$1,000. Tier 1 is a prerequisite for both Tiers 2 and Tier 3. Tier 3 is anticipated to be professor driven and longer term (semester or academic year long.) The estimated cost is up to \$5,000 in stipends per semester, capping the total at \$10,000 annually. The program anticipates

between 5 and 10 projects at a time, with a limit of 15 projects. Once students and/or professors submit their proposed projects (via an RFP), they will be scored and selected by the UCLT and the Ombudsman's Office together. A formal agreement must be in place before the applicants begin their projects. The stipends would be funded through the Land Use Training Fund. The Ombudsman's Office would craft the extension programming, while ULCT would administer the bulk of the program. Currently, Southern Utah University, the University of Utah and BYU are confirmed partners. Colleges and Universities within the State, with applicable majors, would be eligible to become a partner.

Ms. Marchant stated the overall purpose of the tiered system is to gain trust and confidence in the students' deliverables before providing them with more responsibility.

- Tier 1: updates to existing best practice documents and guides. This could be a student lead project involving research and interaction with both the Ombudsman's Office and ULCT to ensure the content delivered provides an accurate guide that the LAAs could utilize when assisting their communities.
- Tier 2: larger project which may involve updates to capital assets and self-inventory guidebooks that address operations and maintenance, capital asset plans and capital improvement plans.
- Tier 3: These are professor driven projects that are more long-term and intensive helping students, who have established their ability through the Tier 1 and Tier 2 levels, to work more directly with these communities.

The Board agreed the program is good, particularly in engaging students in this type of work. However, they cautioned against "reinventing" existing resources but supported the need for updates.

Mr. Cullimore and Mr. Terry stated the Office is looking for general support to move forward with the Partnership and did not feel that this required a formal motion at this time. They will keep the Board updated.

The Board agreed and expressed general support for the Ombudsman's Office to move forward with the program.

LUAU Portal – GOPB Partnership

Mr. Terry stated this is a technical portal which would be administered by the Ombudsman's Office, in partnership with the Governor's Office of Planning and Budget ("GOPB"), to operate as a back-end site to house technical documents such as templates, model ordinances, and other types of support material can then be utilized as a good foundational starting point intended to be customized by local agencies. This aligns with the Governors [BUILD](#) initiative which is a blueprint for Utah's infrastructure, land and development. This portal will provide improved technical items, networking avenues, and reporting metrics for the community advisors. The State recently combined several contracts for technical service providers throughout the state that are housed in the AOGs. The AOGs had organized how these technical services were being provided to the communities within their regions. The portal will become a single coordinated place where the community advisors will have to ability to network with each other, share technical documents and provide good reporting and metrics to the legislature. The portal would communicate with the existing Utah Project Portal. Included services would be:

- Minutes generator
- Agenda and public notice generator

- Project progress including tracking and reporting
- Code hosting (housing of municipal codes. A cost would be involved)
- GIS Viewer and mapping tool
- Digitized zoning maps
- AI tools such as a code verification tool.
- Web builder
- Resource repository
- Forum where users can post their questions or their items.
- Training Calendar
- Training module library (via CiviclinQ). This is a change in the previous approved grant application which involved migrating the training modules to the LUAU website. Due to the cost high costs associated with the state's Cornerstone LMS system, a link to the modules would be more cost-effective.

The initial development is estimated to cost up to \$250,000 over four to six months. The portal would utilize individual user logins for LAAs and local agency staff. The Ombudsman's Office is looking for general approval from the Board to move forward in having additional conversations with GOBD to either engage, enhance or amend the existing contract or seek approval for an RFP to move forward .. Would come back to the Board for formal action.

The Board expressed concern for the costs associate and if approval was given to move forward with this project, there would need to be metrics in place to track usage, downloads and user engagement to measure the tool's value. In addition, some of the proposed items do not fall within "Land Use". Mr. Terry clarified that the platform's core focus will be on land use, land use application, land use approval and land use development items within communities and other items would be considered "value add".

Mr. Terry confirmed that the Board's comfort level would be for the Ombudsman's Office to look for an amendment with the existing contract that GOPB has associated with the Utah Project Portal and utilizing the same team and same contract. If the feedback is that the amendment would not be appropriate or plausible, then the Office would seek an RFP.

The Board approved the Ombudsman's Office moving forward to pursue with the contract amendment or the RFP process and to ensure that the priority remains on land use. In additional, the Office will bring the resulting contract detail, or RFP back to the Board for formal action.

Review of Land Use Journal Prototype

Mr. Terry advised there are two different journals. One focuses primarily on rural areas. The other on urban areas. The content is primarily the same and the journals are available in hardcopy and digital. The graphics within the journals are intended to help the reader feel that it is more relevant to their community or region. Everyone on the Board should have received a hard copy of both journals for review and feedback. These journals are from a previously approved application from the Hansen Planning Group.

Mr. Drake and Mr. Kendall stated the journals provide really good information that they believe people will find very helpful and useful for both new officials and as a refresher for existing members. The publication quality is nice, and the journals are easy to read.

LAND USE TRAINING FUNDS APPLICATIONS:

Mr. Terry provided a summary of each Land Use Training Fund application.

Office of the Property Rights Ombudsman:

The Ombudsman's Office provided a total of 15 presentations throughout the state to various agencies, associations and conferences. Request is for \$19,559.53 in reimbursement.

MOTION: Clint Drake made a motion to approve the Office of the Property Rights Ombudsman's request for \$19,559.35. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Greater Salt Lake Municipal Services District (2) – ("GSLMSD")

- **2025 Training**
- **2026 Training**

Mr. Bracken disclosed a conflict of interest that he is the lead land use attorney for the GSLMSD. He stressed that he did not participate in the application process for either of these two requests. He would prefer to recuse himself from the Board's consideration and vote on this unless he is needed for a quorum. If there is anyone opposed to the application(s), he would prefer the applications be tabled to the next meeting where there may be enough members present to recuse himself.

Mr. Cullimore indicated that without Mr. Bracken there would not be a quorum.

GSLMSD submitted two requests: (Amariah Gibbs is available for questions)

1. \$9,500.00 conference was presented May 2025.
2. \$9,500.00 conference is scheduled for May 2026

The conference includes several land use topics such as property rights history, planning commission responsibilities, exactions, non-conforming uses and land use applications to name a few. The conference is held in person and provides materials and a recorded video of the conference for those who cannot attend. There are approximately 30 planning commissioners and staff that participate. Some of the entities represented are Magna, White City, Kearns, Copperton, Emigration Canyon and several other unincorporated areas in Salt Lake County. The training is provided by lawyers at Smith Hartvigsen.

Mr. Bateman confirmed reimbursement would be to lawyers at Smith Hartigsen who provided the training and the training was available for everybody in the district.

Mr. Drake inquire if the training was provided free to the participants. He expressed concern that the application included food items. Mr. Drake discussed the difference between reimbursement for a single entity v. training for a group of several entities. (The minutes reflect that discussion after the land use applications have been reviewed.)

Ms. Gibbs advised the training is sent via an existing email list to city council members and staff, including participants who have previously attended in the past, and via public forum. The training is an in-house cost, free to attendees. The application is for reimbursement to the attorneys who provided the training. The original request included reimbursement for food items, however after discussion with the Ombudsman's that cost was removed from updated request forms submitted after the original had been sent to the Board for review.

Mr. Bracken stated the GSLMSD provides land use training and staffing for six municipalities as well as unincorporated Salt Lake County, which services approximately 90,000 people. Jay

Springer, attorney with Smith Hartvigsen generally provides the training. The request for funding is to pay for his time as an instructor. The training also satisfies the annual training requirement for planning commissioners. He confirmed that he did not assist in advising and submitting the request for funding as he felt it was a conflict of interest as a Board member and an attorney who represents this district.

MOTION: Ms. Klundt made a motion to approve GSLMSD's request for funding. Mr. Drake seconded the motion. After the Board discussed the motion, a decision was made to table both of GSLMSD's requests for the next Board meeting.

MOTION: Mr. Drake made a motion to table GSLMSD's requests for the next Board meeting. Mr. Kendall seconded the motion. None opposed. Motion carries unanimously.

Hansen Planning Group ("HPG")

HPG submitted a request for \$35,600 to produce a second edition of the Land Use Journal, digital and print, including producing and providing companion videos series. HPG's request also includes distribution of the first edition. The second addition would expand upon the first edition, which was primarily an introductory level, and would provide more specific items. Mike Hansen and Jacob Hansen are available for questions.

Mr. Drake expressed the need to have a mix of general and specific topics as there will always be new planners, commissioners and additional parties who may appreciate an introduction or reminder of those 101 concepts. He would like to know how widely the Journal is being distributed and if there were any metrics to show what the usage is including general demographic information.

MOTION: Clint Drake made a motion to approve HPG's request for \$35,600.00 to include a broad variety of topics to be addressed in future issues including demographics and noted progress to the Board to review and evaluate the breadth of how the Journal(s) are being utilized. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Planning and Development Services ("PDS")

PDS submitted a request for \$29,050.00 for costs associated with the survey, interview, and analysis of Utah municipal and county officials, developers, builders, and contractors to answer the central question: How can Utah's planners better align their behaviors and skills with the needs of the stakeholders and public they serve. Bruce Parker is available for questions.

Mr. Parker advised the deliverable is not intended to be about what the end use of planning products requires, expectations, abilities or training of any planners. It is directed to survey the end users of planning product, municipal and county officials, developers, builders and contractors to identify what their expectations are on the planning community. The product will summarize all of the surveys and interview material with a background on literature review, as well as recommendations going forward and conclusions of how this could be implemented in the State of Utah. It would provide a document that would be an additional training resource for the State of Utah. There is no research that exists on this topic anywhere across the nation.

MOTION: Nathan Bracken made a motion to approved PDS's request for funding in the amount of \$29,050.00. Cate Klundt seconded the motion.

Further discussion:

Mr. Kendall expressed concern regarding the tangible effect regarding what the actual output may be and whether or not it is directly land use related to training.

Mr. Parker stated the deliverable will have a robust and rigorous understanding of the expectations of the development and building communities as well as appointed and elected officials, county officials, planners and commissioners of what these communities demand from the planners and the skill set and ability of said planners to be provided more productive outcomes, reduce delay on times for approval and a more efficient planning process. PDS will be viewing what the developers feedback is to provide information that may lead to better future deliverables in other ways such as future trainings, knowledge, and decisions.

Mr. Drake expressed concerns regarding the results of the surveys. Phase one of the online survey targets municipal, county and officials, developers, builders, contractors etc. Will the survey be disbursed evenly, is it random, how are the people selected to participate in the survey? He is concerned the resulting document will have a negative effect towards planners, staff planning and other participants in the planning community. He believes it would be great to have his staff be able to answer the question, "what skill and knowledge gaps do you frequently encounter when working with Utah developers?" However, he is concerned on how this information is gathered and that it provides honest legitimate feedback.

Mr. Parker advised the number surveyed is an open number and not bound in any way. The random selection would occur on those that PDS interviews directly and more in-depth discussion. He stated it is not the intent of the document to produce a negative impact for anyone and will work with the Ombudsman's Office to make sure to provide a balanced approached.

Vote:

Aye: Cate Klundt, Nathan Bracken, Brent Bateman

Nay: Clint Drake and Mike Kendall

Majority rules and motion passes.

Utah Land Use Institute (2) ("ULUI")

- **Eminent Domain Handbook**
- **"Ground Rules" Handbook**

ULUI submitted two requests: (Craig Call is online available for questions)

1. \$15,610.00 for printing and distributing copies of the "Ground Rules – Your Handbook to Utah Land Use Regulations" to City and County council members, commissioners, Town Boards, Appeal Authority and Association of Governments.
2. \$13,610.00 for printing and distributing copies of "The Utah Law of Eminent Domain". The book will be available both in hardcopy format and digital format at no cost to the recipient. It is anticipated that ULUI will distribute approximately 400 copies.

Mr. Bateman disclosed a conflict of interest. He is on the Board of Directors for ULUI. He will make a judgement call on whether to vote on this request, unless it is necessary to maintain a quorum.

MOTION: Clint Drake made a motion to approve both requests, \$15,610.00 for the Ground Rules handbook and \$13,610.00 for the Eminent Domain book and report back to the Board

on the outreach of these handbooks and how they are being utilized. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Utah League of Cities and Towns (2) (“ULCT”)

- **LAA/Community Advisory Convention**
- **LAA Rural Scholarships**

The ULCT submitted two requests: (McKenna Marchant and Molly Wheeler are available for questions. The ULCT manages the LAA program.

1. \$15,000.00 to assist LAAs attend the ULCT Annual Convention set for October 1-2, 2025, and focuses on training local officials, staff and others engaged in local government and community planning.
2. \$7,500.00 to award 5 scholarships to allow local agency representatives in 5 rural communities who have never attended, and without financial assistance, would not be able to participate in the ULCT Annual Convention.

ULCT has a specific track for the LAAs during the Convention that provides high quality training and the opportunity to network with other LAAs, and to share information and resources with their local agencies throughout the state. The rural scholarship is an effort to bring more LAA's to the convention who otherwise do not have the financial means to attend.

Ms. Marchant stated these are scholarships to attend the UCLT Annual Convention. Recently their funding was cut, and they are reaching out to ask for the Board's approval to use some of the land use training funds to cover these costs.

Mr. Drake disclosed that he holds the Board seat, nominated by the ULCT, to represent municipal government.

MOTION: Ms. Klundt made a motion to approve both requests, \$15,000 for LAAs to attend UCLT Annual Convention and \$7,500 for the 5 rural scholarships. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Utah State University (“USU”)

USU submitted a request for \$30,000.00 to create a webinar series, instructional videos, and a guidebook, focused on Navigating River Access in Utah” Jordan Smith is online available for questions.

The Board inquired if USU's request was time-sensitive and if he would be fine to table his request to the next Board meeting.

Mr. Smith advised USU's request is not time-sensitive and he has no issues with tabling it to the next Board meeting.

MOTION: Mike Kendall moved to table USU's request to the next Board meeting. Nathan Bracken seconded the motion. None opposed. Motion passed unanimously.

Reimbursements: Single Entity v. Group of entities.

The Board discussed establishing parameters regarding whether reimbursement could be requested from a single government entity for any in-house training v. training provided from that entity, or an individual hired by that entity, to present to a group of attendees from several different surrounding entities. One suggestion was to limit the request to training provided to multiple agencies. Should requests for in-house training be approved, the funds available may

be depleted more quickly and funds may not be available for future requests. In that regard, training should be free to attendees as much as possible and accessible to those who cannot attend. This topic was tabled for the next Board meeting.

ADDITIONAL MATTERS:

Status of projects:

The Board indicated an interest in receiving status updates of projects that have been approved in the past including what the money was spent on, what was the deliverable, how long did it take for payment to be received. In addition, the amount that is currently in the fund and what funds are encumbered.

Mr. Terry advised he would provide that information for future Board meetings.

Board meetings:

The Board discussed the length of time needed for Board meetings. Either to increase the time (to 2 hours) or shorten the time (to 1 hour) and have more frequent meetings.

ADJOURN:

MOTION: Nathan Bracken made a motion to adjourn the meeting. Brent Bateman seconded the motion. None opposed. Motion carries unanimously. Meeting adjourned at 11:59 a.m.



Brent N. Bateman, Vice Chair