

FORMAL WRITTEN STATEMENT FOR THE RECORD

Land Use & Eminent Domain Advisory Board (LUED Board)
Public Meeting – December 3, 2025

PART 2 of 2

Submitted by:

Kent Singleton

Licensed Utah Real Estate Broker (40+ years)

APA-Utah Member | Utah Farm Bureau Member

Taggart, Morgan County, Utah

Email: savehentang@aol.com

I. PURPOSE OF THIS FILING

This written statement is submitted for entry into the official record of the December 3, 2025 meeting of the Land Use & Eminent Domain Advisory Board ("Board").

It responds directly to the email issued to me by **Acting Chair Brent Bateman on November 25, 2025**, and it places into the record my **formal objection** to:

1. The Board's refusal to allow public comment at upcoming meetings,
2. The Board's determination that my issues are "not relevant" to its statutory duties, and
3. The Board's refusal to allow me to speak regarding PWAA-related agenda items.

This filing is submitted **in lieu of oral comment**, should oral comment again be denied.

II. STATEMENT OF RELEVANT FACTS

A. My Background and Direct Stake

I am a 40+ year Utah real-estate professional and APA-Utah and Farm Bureau member, and Vietnam Veteran who owns a 6-acre parcel in Taggart remaining from a 1935 federal land patent.

My issues involve:

- FEMA floodplain permitting,
- river-boundary determination,
- GRAMA compliance,
- Public Waters Access Act (PWAA),
- unauthorized public use of private land, and

- an OPRO Advisory Opinion that has been cited to justify exploring eminent domain on my private recreational property.

Each of these falls squarely within the Board's **training, advisory, and property-rights protection** mandates.

III. RESPONSE TO THE NOVEMBER 25, 2025 EMAIL FROM ACTING CHAIR BATEMAN

A. The Board's Stated Refusal to Allow Public Comment

The email states that:

"The Board has no obligation to provide a public comment period... We will not be having public comment at any upcoming meetings."

I respectfully object.

A board charged with preventing eminent-domain abuse should not eliminate the only avenue through which affected citizens can notify the Board of improper government conduct arising from Advisory Opinions, LUAU training gaps, or statutory misapplications.

Silencing property owners undermines the Board's purpose.

B. The Claim That My Issues Are "Not Relevant"

The email asserts that:

"...your comment is not relevant to the Board's business."

I respectfully dispute this.

My case involves:

- **Eminent Domain:** County counsel used an OPRO Advisory Opinion as justification to explore taking my land.
- **Takings Law:** PWAA misapplication has functionally converted my private driveway into a public take-out.
- **Land-Use Procedure:** Floodplain permits, zoning, and NFIP-related processes have been inconsistently applied.
- **Training Failures:** County officials involved have not been trained on PWAA distinctions between floating vs. occupying private land.
- **Advisory Opinion Impact:** The AO is now repeatedly cited as a basis for government action against me.

These topics are **directly within** the Board's training and advisory scope under Utah Code § 13-43-202.

C. The Claim That My Concerns Are “River Access Issues”

The email characterizes my concerns as “river access,” which the OPRO claims is outside its authority.

I respectfully rebut this characterization.

This is not a “river access dispute.”

This is:

- a **land-use dispute**,
- a **boundary determination dispute**,
- a **takings dispute**,
- a **training and enforcement dispute**, and
- a **misuse of an OPRO Advisory Opinion** as justification for exploring eminent domain.

My driveway — a private driveway — was designated a “take-out” by county-endorsed signage, with commercial outfitters and the public directed onto my land without contract or compensation.

That is **not** a PWAA comfort issue.

It is a **property-rights violation** created by government conduct.

IV. REQUEST FOR RECORD INCLUSION

Because the Acting Chair has indicated that:

“We will not be having public comment at any upcoming meetings,”

I hereby **request and require** that this written filing:

1. **Be entered into the official record** of the December 3, 2025 meeting,
 2. **Be circulated to all Board members**,
 3. **Be attached to any future discussion** regarding LUAU Portal training, PWAA training, or eminent-domain limitations, and
 4. **Be preserved** as evidence of my attempt to participate in the Board’s statutory process.
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V. REQUEST FOR BOARD ACTION

I respectfully request that the Board:

1. **Acknowledge that PWAA, floodplain permitting, river-boundary law, and eminent-domain limits** are appropriate subjects for LUAU training modules.
 2. **Acknowledge that citizens affected by Advisory Opinions must have the opportunity** to alert the Board when an AO is being misused by local government.
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3. **Correct the record** that my issues fall outside the Board's duties. They do not.

4. **Revisit the current policy** prohibiting all public comment.

A Board created to protect property owners must remain accessible to property owners.

VI. CONCLUSION

For the third consecutive meeting, I have been denied an opportunity to speak my public 3 minutes or engage on an agenda item relating directly to the Board's training and statutory mission.

Therefore, I respectfully submit this written filing for the record and request that it be recognized as my official statement for the December 3, 2025 meeting.

Thank you for your attention to this matter and please consider this a GRAMA request.

Respectfully submitted,

/s/

Kent Singleton

December 3, 2025

RE: Public Comment & Request for Agenda Item – LUAU Portal Next Steps Discussion (LUED Board Feb 2026)

From: Bateman, Brent N. (brent.bateman@dentons.com)

To: savehntag@aol.com

Cc: cwnelson@utah.gov; jcullimore@utah.gov

Date: Tuesday, November 25, 2025 at 05:04 PM MST

Mr. Singleton:

I am in receipt of your email below. Thanks for writing.

In my capacity as Vice Chair (and currently Acting Chair) of the Land Use and Eminent Domain Advisory Board ("**Board**"), I respond to you now on the Board's behalf.

First, to correct a misstatement in your letter: Neither Mr. Cullimore, Ms. Nelson, nor any member of the OPRO staff control the agenda of Board meetings. In accordance with standard procedures, adding or removing items to a meeting Agenda is a decision of the Board itself. The Board Chair makes the ultimate decision regarding agendas. The OPRO staff only suggests agenda items to the Board.

The Board has previously instructed staff regarding what items to include or exclude from an agenda. The Board also frequently adds or removes items from agendas on its own. The guiding principle for placing items on the agenda is whether the item is within the OPRO and the Board's statutory purview, and whether Board discussion on the topic is needed.

I explain this in order to clarify that Mr. Cullimore has not refused to add you to the agenda, nor has he refused to allow you to comment, as you state frequently in your letter. Those are Board decisions -- not Mr. Cullimore's. Likewise, Ms. Nelson does not have authority to make agenda decisions. It is the Board itself that has declined your request.

Second, the Board has no obligation to provide a public comment period at its meetings. We do not expect to do so in the future. Nevertheless, you may submit written comments to the Board, via Ms. Nelson, who will forward them to the Board Chair for review. We will determine whether those comments are relevant or germane to the OPRO's mandated duties, and if so, we may enter those written comments into the record.

Third, regarding the below email, the attachment, and previous emails that you have sent, the Board does not feel that your comment is relevant to the Board's business. With regard to the training you requested, the OPRO acknowledges receipt of your request, and has and will continue to consider these and all training requests.

Please note, however, that the OPRO provides trainings only *if the body to be trained* requests it. All OPRO trainings are optional, and the persons to be trained must request the training. The OPRO cannot prepare training and then require certain government or private bodies to participate, as you appear to request. The OPRO has no authority to require training, and doing so would be contrary the OPRO's mission.

Regarding your request to be allowed to "state your position" in an upcoming meeting, you have not established that your comments relate to the OPRO's duties and the meeting's purpose to justify an agenda item. From what we can gather, it appears that you misunderstand the OPRO's foundation and purposes. It seems that you would like the OPRO to solve a problem with Morgan County regarding river access. River access is not within the OPRO's statutory authority. Even if it were, the OPRO has no enforcement power whatsoever. The OPRO is not an agency that can require anyone to come into compliance with anything. Only the Courts can do that. In other words, it appears that you are barking up with wrong tree, in looking to the OPRO to address this.

Accordingly, it is the decision of the Acting Board Chair that we will not be having public comment at any upcoming meetings, nor will we be placing this item on the agenda at our next meeting. Please feel free to submit written comments, which we will review, and consider whether your written comments should be added to the public record.

ENCLOSURE 1 of 2

If your written comments justify an agenda item, we will consider adding that to the agenda as well. We appreciate your consideration in this matter.

Brent N. Bateman

Shareholder

+1 801 375 6600

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From: savehentag@aol.com <savehentag@aol.com>

Sent: Friday, November 7, 2025 4:27 PM

To: Cyndy Nelson <cwnelson@utah.gov>; Jordan Cullimore <jcullimore@utah.gov>; Bateman, Brent N. <brent.bateman@dentons.com>

Cc: rterry@utah.gov; info@apautah.org; tjharrison@utah.gov; propertyrights@utah.gov; laura.walker@usu.edu; kwagner@agutah.gov

Subject: Public Comment & Request for Agenda Item – LUAU Portal Next Steps Discussion (LUED Board Feb 2026)

Dear Cyndy Nelson, Chair Brent Bateman, and Members of the Land Use & Eminent Domain Advisory Board,

I respectfully submit this written comment regarding **Agenda Item 5.d, “LUAU Portal Next Steps Discussion,”** from the November 5 2025 LUED Board meeting.

As a licensed Utah real estate broker, APA-Utah member, and Utah Farm Bureau member, I have spent more than four decades working in land-use, floodplain, and property-rights education. I have also attended LUAU trainings and value the Board's leadership in improving understanding between state, county, and private-sector stakeholders.

- Exhibit E – WSP Training: *Workflow for Flood Data in ArcPro for Floodplain Management Purposes* Booklet
- Exhibit F – Utah Farm Bureau Policies 2025 Booklet

I urge the Board to ensure that future **LUAU Portal curriculum and training modules** include:

1. **The Public Waters Access Act (2008)** — clear instruction for county commissioners and planners on limits of incidental contact on private streambeds and the distinction between public access and private ownership.
2. **Floodplain Management & NFIP Coordination** — clarification of when FEMA No-Rise Certificates apply to temporary or removable structures (such as a 4-foot T-post used for “No Trespassing” signage).
3. **Due-process and GRAMA compliance** — procedures ensuring counties respond in writing to citizen applications and appeals under local floodplain and land-use ordinances.

My ongoing experience in Morgan County shows that confusion on these subjects leads to inconsistent permitting, long delays, and avoidable conflict between landowners, counties, and state agencies.

Because Mr. Cullimore has repeatedly declined to allow my 3-minute public comments or place my requests on past agendas (see Exhibits C and D), I now respectfully **request placement on the February 2026 LUED Board agenda** to present a concise statement supporting this proposal — or, at minimum, that the Board allow a **three-minute public comment period** so I may identify my interests as a participating APA-Utah and Farm Bureau member.

Please enter this comment into the public record and consider it during the **February 2026 LUAU Portal planning cycle**.

Thank you for your continued work to strengthen Utah's land-use education and transparency.

Respectfully,
Kent Singleton

Taggart – Morgan County, Utah
savehentang@aol.com | [mobile]

Copied for oversight and coordination:

- Rob Terry – APA-Utah / OPRO Training Program
- Tracie Harrison – Utah DPS, State NFIP Program Manager
- Laura Walker – Utah State University, LUAU Director
- Kreg Wagner – Utah Attorney General's Office, Counsel to OPRO

Attachments:

- Exhibit A – Oct 22 2025 Letter from Tracie Harrison, State NFIP Program Manager
- Exhibit B – Oct 9 2025 Letter to Rob Terry (APA-Utah / Property Rights Ombudsman Training Program)
- Exhibit C – LUED Board Sign-In Sheet, August 6 2025 Meeting (Proof of Request to Speak)
- Exhibit D – LUED Board Sign-In Sheet, November 5 2025 Meeting (Proof of Request to Speak)

Re: Fw: Documents Updated for Land Use Eminent Domain Board

From: Cyndy Nelson (cwnelson@utah.gov)

To: savehentag@aol.com

Date: Tuesday, November 4, 2025 at 10:38 AM MST

Hi Kent, and good morning.

The Board's meetings are public meetings (meaning that the public has the right to observe) but they are not public hearings (when the public has a right to speak). It will be up to the Board Chair to determine whether we should include the item you've suggested on the agenda. Jordan will speak with the current Chair about whether it would be appropriate to include your request on the next meeting's agenda in February 2026. We'll let you know what the Board Chair decides.

Take care,

Cyndy

On Tue, Nov 4, 2025 at 7:49 AM savehentag@aol.com <savehentag@aol.com> wrote:
Good Morning,

I see that I am not on the agenda again. How do I get on the agenda, since I have been unsuccessful so far. Will I be allowed my 3 minute public speech, please?

Respectfully,
Kent

----- Forwarded Message -----

From: support@helpdesk.utah.gov <support@helpdesk.utah.gov>

To: "savehentag@aol.com" <savehentag@aol.com>

Sent: Monday, November 3, 2025 at 05:06:19 PM MST

Subject: Documents Updated for Land Use Eminent Domain Board

Utah Public Notice

Documents Updated

- [1 Agenda 11 5 2025.pdf - 11/3/25 5:06 PM](#)

Land Use Eminent Domain Board

Land Use and Eminent Domain Advisory Board

Notice Date & Time: 11/5/25 10:00 AM -11/5/25 11:30 AM

Description/Agenda:

This agenda is subject to change at any time prior to 24 hours before the meeting

- 1 Welcome

ENCLOSURE 2 of 2

- 2 Minutes
 - a. Approval of Minutes for the LUED Advisory Board Meeting held August 6, 2025
 - b. Internal training v. regional training
- 3 Land Use Training Funds - 8/6/2025 Continued Applications
 - a. Greater Salt Lake Muni Services District (1) - 2025 Training
 - b. Greater Salt Lake Muni Services District (2) - 2026 Training
 - c. Utah State University
- 4 Land Use Training Funds - Applications
 - a. Office of the Property Rights Ombudsman
 - b. Hansen Planning Group
 - c. Salt Lake County
 - d. Utah Land Use Institute
 - e. Wasatch Front Regional Council
- 5 Administrative Matters
 - a. Board Nominations
 - b. Advisory Opinion Tracking
 - c. Attorney List - Jay L. Springer
 - d. LUAU Portal Next Steps Discussion
 - e. Training Fund Project Updates & Quarterly Reports
 - f. Training Funds - Distribution of, and Encumbered Funds
- 6 Additional Matters, if any
- 7 Adjourn

Notice of Special Accommodations:

Individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting in compliance with the Americans with Disabilities Act, should notify Cyndy Nelson, 801-530-6391, at the Heber M. Wells Building, 2nd Floor, 160 East 300 South, Salt Lake City, UT 84111, at least three working days prior to the meeting.

Notice of Electronic or telephone participation:

This meeting may be convened as an electronic meeting under the provisions of Utah Code Annotated Section 52-4-207 with the above listed location as the anchor location. Members of the Board are advised that they may participate in the meeting through electronic means and be counted as present for all purposes, including the determination that a quorum is present. Those members wishing to participate through electronic means may make arrangements to do so by calling the Office of the Property Rights Ombudsman at 801-530-6391 in advance of the meeting.

Other information:

Applications for Land Use Training Funds to be considered at this meeting will need to be submitted no later than end of business day on October 22, 2025. Applications submitted after this date will be considered at the next Board meeting (February 2026).

Location:

Heber M. Wells Building, Salt Lake City, 84111

Contact information:

Cyndy Nelson , cwnelson@utah.gov, (801)530-6391

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Cyndy Nelson | Administrative Secretary



Office of the Property
Rights Ombudsman

UTAH DEPARTMENT OF COMMERCE

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