

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.)

November 5, 2025, 10:00 a.m.

ADVISORY BOARD:

Brent Bateman, Vice Chair
Nathan Bracken
Wade Budge

Clint Drake
Mike Kendall
Cate Klundt

Absent and

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:

Applicants

Greater Salt Lake Municipal Services District

- Daniel Torres
- Lea Kingsley
- Jay Springer

Hansen Planning Group

- Mike Hansen
- Jacob Hansen

Salt Lake County

- Ryan Anderson

Utah Land Use Institute

- Craig Call

Utah State University

- Jordan Smith

Wasatch Front Regional Council

- Tim Watkins

Additional visitors

- Stephen Bendt
- Kent Singleton

APPROVAL OF THE MINUTES:

MOTION: Mike Kendall made a motion to approve the minutes of the Board meeting held August 6, 2025. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

LAND USE TRAINING FUNDS APPLICATION:

Mr. Terry provided a summary of each Land Use Training Fund application for the Board's review.

Mr. Terry inquired if the Board intended to continue discussions about establishing guidelines whether individual entities would be eligible to receive reimbursement through the Land Use Training Fund and if approved, did that eligibility hinge on whether the agency provided internal training only as opposed to multi-agency training.

Mr. Bateman suggested the Board continue that discussion after the training fund applications have been presented and reviewed.

Greater Salt Lake Municipal Services District (2) – (“GSLMSD”)

- **2025 Training presented May 28, 2025**
- **2026 Training scheduled for April 23, 2026**

GLSMSD submitted two separate requests for \$9,500.00 per request to obtain reimbursement for training provided May 28, 2025 and propose training to be held April 23, 2026 on specific land use topics. GLSMSD Representatives: Daniel Torres, Economic Development and Long-Range Planning Manager; Lea Kingsley, Grant Coordinator; and, Jay Springer, Smith Hartvigsen, Attorney for GSLMSD and presenter.

Mr. Bracken stated for the record he and his firm represent GSLMSD and as such have a conflict of interest. He intends to recuse from voting on any motions related to this request.

Mr. Torres explained GLSMSD is a special district, under Utah law, statutorily authorized to provide municipal services to six different cities and towns within Salt Lake County, as well as unincorporated Salt Lake County. Annually, GSLMSD works with Smith Hartvigsen to provide land use training to these entities in accordance with Utah law. The training is held after the legislative session ends to include information about any legislative changes. GSLMSD was unaware of the Land Use Training Fund program as GSLMSD is requesting a retroactive approval for the 2025 training.

Mr. Springer advised that training was originally only offered to the municipalities represented by Smith Hartvigsen. The program has expanded to include municipalities and those of unincorporated county that are not represented by Smith Hartvigsen. The training provided is different each year, based on feedback from the municipalities, includes legislative updates and at no cost to the attendees. There are now approximately 30-45 attendees. It is recorded and made available.

The Board discussed concerns with how the Administrative Rules would apply as both requests for funding included expenses that are over the amounts set in the Rules. The Rules do allow for the applicant to submit a *Request for Funding over the General Limits* to cover the extra expenses. The Board intends to discuss internal v. regional training in a special Board meeting.

MOTION: Wade Budge made a motion to 1) Deny GSLMSD’s request for funding for their May 28, 2025, training; 2) Approve GSLMSD’s request for \$9,500.00 for their upcoming April 23, 2026, training; and 3) Discuss these types of applications in a future Board meeting. Clint Drake seconded the motion. Vote: Aye: Brent Bateman, Wade Budge, Clint Drake, and Cate Klundt. Nay: Mike Kendall, Abstained: Nathan Bracken. Mr. Kendall stated he opposed the request as he felt the costs of the training were too expensive. In this case, majority rules: 4 of 5 board members approved. Motion passes.

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. USU Representative: Jordan Smith, Director, Professor and Project Manager.

Mr. Smith stated USU’s intent is to create three virtual webinars focused on private access, recreational access through private lands for angling and other recreational activities on waterways through the State and provide attendees a better understanding of state policy and how that affects access to recreational water bodies. USU intends to recruit and work with experts to talk about current issues across the state, about policy and develop (and provide) a detailed workbook which would be made publicly accessible. Information about the webinar series and the workbook will be showcased at the Utah Fly Fishing Expo and online.

Mr. Smith advised that USU will be requesting legal experts to make sure the information in this series is accurate and to serve as panelists in one of the webinars.

MOTION: Cate Klundt made a motion to approve USU’s request for \$30,000.00. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

Mr. Smith thanked the Board for their continued support and advised he recently received the APA Utah Award for Excellence of Best in State regarding the Short-Term Rentals policy course, previously funded by the Board. Registrations for the Short-Term Rentals course are approaching 100 since the course was first launched five months ago. As this is a lasting topic, he expects registrations to continue to grow. Access to the course is widely publicized on the USU website: gnar.usu.edu. Utah Citizens have a discounted cost of approximately \$40.00 and in some cases, when requested, USU can waive the fee.

Office of the Property Rights Ombudsman:

The Ombudsman’s Office provided a total of six presentations throughout the state to various agencies, associations and conferences during July, August and September 2025. Request is for \$6,174.79 in reimbursement.

MOTION: Mike Kendall made a motion to approve the Office of the Property Rights Ombudsman’s request for \$6,174.79. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

Hansen Planning Group (“HPG”)

HPG submitted a request for \$39,852.00 to draft the 3rd edition of the digital journal including associated videos and ship the 2nd edition once it has been approved. HPG Representatives. Mike Hansen and Jacob Hansen.

Mike Hansen stated they were asking for additional funds to cover the cost of shipping the 2nd edition as they underestimated that cost when sending out the 1st edition. They received quite a few requests from different entities to send more printed copies of the journal. However, the cost of the videos decreased. Jacob Hansen indicated HPG could create at least 10 short videos for the \$3,500.00 expense listed on the application.

Jacob Hansen indicated that HPG would not be updating the same journal. The idea is to make multiple issues covering different topics. Edition #1 touched on general powers and duties, general planning concepts, general land use concepts etc. Edition #2 touches on more

legal issues such as the scope of a municipality's powers, zoning, standards of review etc. Edition #3 will be more on the development side and address topics such as ADU's, subdivisions and housing.

Mike Hansen advised HPG is working with the Office and subject matter experts such as Professor Jon Fee, Craig Call and Wilf Sommerkorn, to make sure the information is accurate. Videos are created after subject matter has been vetted. Information will also be accessible via the LUAU website.

Ms. Klundt inquired if HPG could provide information on whether or not the digital journals are being used and requested the data to be presented to the Board at the next discussion. Data such as the number of people, and/or type of jurisdiction, who signed up for it, the number of times a user utilizes the QR code embedded in the journals, etc.

MOTION: Cate Klundt made a motion to approve HPG's request for \$39,852.00. Clint Drake seconded the motion. None opposed. Motion carries unanimously.

Salt Lake County ("SLCO") – Regional Solutions 2026 Conference

SLCO Submitted a request for \$60,074.00 host the Salt Lake County Office of Regional Development's next Regional Solutions event, scheduled for April 9, 2026. The training will be focused on missing middle housing and exploring how their market dynamics affect implementation of housing affordability and other items. There has been a lot of conversation held between the applicant, the various stakeholders and the Office directly because of the engagement in the missing middle housing toolkit over the last year. This event will be more specific to the Salt Lake Region. SLCO Representative: Ryan Anderson, Regional Planning and Community Services Program Manager.

Ms. Anderson advised the cost of attendance would be \$55.00 per person. The cost includes a free copy of a "Missing Middle Housing" book written by the instructor. She advised that she could provide waivers for the Office and the Board to attend at no charge. Ms. Anderson indicated that, due to limited staff capacity, SLCO is bringing on a consulting team to assist in the logistics and marketing for the event.

MOTION: Cate Klundt made a motion to approve SLCO's request for \$60,074.00. Nathan Bracken seconded the motion. None opposed. Motion carries unanimously.

Utah Land Use Institute ("ULUI")

ULUI submitted a request for \$71,000.00 for costs associated with the online library provided at no cost to users. This request would cover expected costs through December 31, 2027, to maintain and administer their land use library. ULUI Representative: Craig Call

Mr. Call gave a short recap of what ULUI has used the funds for from the previous grant for their law library. ULUI provided a complete update to the *Utah Law of Eminent Domain*, and the *Ground Rules: Your Handbook to Utah Land Use Regulation*, summary on Accessory Dwelling Units by Todd Sheeran from Herriman City, updates to the annotated matrix used on ULUI's law library to perform various searches on the Ombudsman's Opinions and links to Office website.

Mr. Bateman and Mr. Budge advised they would like to abstain as they are both on the ULUI Board of Directors and felt it would be a conflict of interest. The Board discussed postponing

Mr. Call's application until the February 2026 Board meeting as per the Administrative Rules, Mr. Call can request an extension to the existing grant and allowed up to 20% over the original amount approved in reimbursements.

Mr. Drake suggested the Board take a vote to move the application forward. Need five votes, majority of 3 to pass. Mr. Bateman advised he would vote noting he had notified the Board there was a conflict of interest.

MOTION: Clint Drake made a motion to approve ULUI's request for \$71,000.00. Nathan Bracken seconded the motion. Vote: Aye: Nathan Bracken, Clint Drake, Mike Kendall, Cate Klundt and Brent Bateman. Nay: None. Abstained: Wade Budge. Motion passes.

Wasatch Front Regional Council ("WFRC")

WFRC submitted a request for \$55,000.00 for costs associated with providing information and visualizations of a hypothetical 1,000-acre greenfield area and depictions of four development alternatives. Online 3D visual and metric resources to inform local and regional government about land use impacts. WFRC Representative: Tim Watkins, Project manager.

Mr. Watkins advised the project would be similar to the Centers visualization website, recently posted online but is broader and more comprehensive. It looks at a hypothetical 1,000-acre growth area. WFRC's intent is to engage with planners across the state to further develop these graphics of 1,000-acres and address the kind of growth, detailed views, panoramas and then growth cost impacts that are associated with them. The idea is to help broaden perspective as important land use decisions that affect housing affordability are made. WFRC would go through a procurement process to retain the right consultant team for this project. This will include a unique website and linked to the LUAU website.

MOTION: Wade Budge made a motion to approve WFRC's request for \$55,000.00. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

ADDITIONAL MATTER:

MOTION: Brent Bateman made a motion to table all administrative matters remaining on the agenda to be continued to a new meeting. Clint Drake seconded the motion. None opposed. Motion carries unanimously.

Mr. Cullimore requested the Board review Jay Springer's resume and request to be included on the Attorney List for Advisory Opinions for discussion at the next Board meeting.

ADJOURN:

Clint Drake made a motion to adjourn the meeting. Wade Budge seconded the motion. Meeting adjourned at 11:43 a.m.



Date: 12/05/2025

Brent Bateman, Acting Chair