

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 402 & via Zoom

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

December 3, 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:

- Kent Singleton
- Randy Parker
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APPROVAL OF THE MINUTES:

MOTION: Nathan Bracken made a motion to approve the minutes of the Board meeting held November 5, 2025. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

BOARD NOMINATIONS:

There is a vacancy on the Board that needs to be filled by a citizen representative. [Utah Code 13-43-202\(1\)\(g\)](#) states that the individual filling this Board seat: (i) must be a citizen with experience in land use issues; (ii) does not hold public office; and (iii) and is not currently employed, nor has been employed in the previous 12 months, by any of the entities or industries listed in Subsections (1)(a) through (f).

Mr. Cullimore advised the person he had spoken with prior advised that due to their current professional responsibilities, they would be unable to participate.

The Board discussed several professions that may have good candidates such as surveyors, law professors, finance, real estate finance, an individual who does PIDs, there is a wide range of academic fields that could provide a qualified individual, water, forestry, fire and state land, SITLA, etc.

The Board requested the Ombudsman staff to consider possible nominees, narrow to three names and share with the Board. The Board can assist in narrowing the selection to one nominee and try to have that individual in place by January.

ADVISORY OPINION TRACKING:

Mr. Plehn provided an updated Advisory Opinion Tracking Sheet to include information requested by the Board at the August 2025 meeting. There are currently 16 pending and new opinions. He estimates about half of those opinions were received since the August 2025 Board meeting.

Ms. Jones states the Office has been making efforts to provide an informal resolution up front where the requests are relatively straightforward. She believes this informal process has been very effective but has resulted in few advisory opinions being issued.

Mr. Bracken concurred and stated the informal process has been very effective and his clients are happy with it as well. There are fewer advisory opinions posted for public use. However, the informal opinion process is for issues that are pretty straightforward and ripe for informal action where the law is not necessarily unclear.

Mr. Cullimore advised the office is continually trying to improve the process and right now the focus is trying to improve the quality of the submissions, which can affect timeliness and accuracy of the opinions with the goal to determine how the Office can get matters resolved quickly in a way that the parties are satisfied with the result. He welcomes any feedback about the process(es)

Mr. Budge complimented the Office about an article that a federal judge reviewed an ombudsman opinion and ended up concluding on the same grounds as the ombudsman that a project denial was incorrect. It is good publicity for the Office. The issue of attorney's fees is still open at this point, and he believes the judge is waiting until the permit is issued.

ATTORNEY LIST – JAY L. SPRINGER:

Mr. Cullimore stated attorney Jay L. Springer has requested to be added, as a potential candidate, to the "List of Attorneys Interested in Providing Advisory Opinions" for opinions prepared by an attorney outside the Ombudsman's Office.. By statute, the Board determines who may be included on that list. Mr. Springer is in attendance and available for questions.

Mr. Bracken disclosed that he works in the same firm as Mr. Springer, which may pose a conflict of interest.

Mr. Bateman requested Mr. Springer summarize his qualifications that would make him a good candidate to be added to the attorney list.

Mr. Springer advised he attended Michigan Law School and studied high finance, international transactions, corporate finance, etc. He started with Smith Hartvigsen approximately 8 ½

years ago. In the last 4-5 years, he has been exposed to, and switched his focus to, the area of land use law and local government. He represents multiple municipalities, public infrastructure districts, and others. He also serves as special land use counsel for several municipalities that have their own city attorney where he assists as needed. He will be leaving Smith Hartvigsen to a new firm and will have updated contact information to provide if approved.

MOTION

Wade Budge made a motion to add Jay L. Springer to the list of approved attorneys for providing advisory opinions. Clint Drake seconded the motion. None opposed. Motion carries unanimously.

Mr. Bracken stated that Mr. Springer is a fantastic attorney and will be providing a specialized PID practice after he leaves Smith Hartvigsen.

ATTORNEY LIST – REVIEW:

The Board discussed the current list of attorneys to determine if they are still practicing. Ombudsman staff were advised to follow up with the following individuals to see if they are still practicing. Kevin Anderson, Joseph Chambers, David Church, Robert Pruitt and Vincent Rampton..

INTERNAL TRAINING v. REGIONAL TRAINING:

Mr. Cullimore stated this is a matter that was previously discussed in the August 6, 2025, Board meeting and tabled for further discussion.

Mr. Terry stated the original discussion centered around whether or not training within an organization, solely for their personnel or clientele, is eligible for land use training funds. If so, what criteria must be met. Or, if the training needs to be open to participants outside the organization in order to be eligible for funding. Once the Board determines eligibility, that information can be added to the grant guidebook Mr. Terry is drafting to assist applicants in the preparation of requests for both funding and reimbursements.

Mr. Bateman requested confirmation that the Board is discussing what kind of parameters should be in place, including reach and availability for accessing the training.

Mr. Terry advised setting parameters regarding internal training would be helpful for staff to identify those issues, and if necessary, discuss any concerns with the applicants prior to their request being submitted to the Board for review.

The Board discussed possible criteria prior to approving a request for funds for an internal training such as:

- Is the training open to participants outside the organization?
- What type of content or objectives will be addressed? (one example of many: does it fulfil annual training requirements for planning commissioners as set by the legislature?)
- Will there be any measurable metrics provided?
- Will there be an option to participate virtually?
- Will the training be recorded? (so as to make it available to those who cannot attend in person or virtually)

- Will the training be accessible online and/or training materials be made available after the training is held either on the organization’s website or the LUAU website?

It would be important that applicants were mindful of the criteria to make sure the fund is being used for its intended purpose – to provide information regarding land use rights that exist in Utah.

Mr. Terry stated currently there is a not a matching fund requirement, however, the request for funding form does request if there will be any additional funding provided what that funding will be used for. A list of the different types of matching funds, deemed acceptable, could be provided for consideration as part of an application or on the application itself.

LUAU PORTAL NEXT STEPS DISCUSSION:

Mr. Cullimore stated this is a matter that was previously discussed in the August 6, 2025, Board meeting and tabled for further discussion.

Mr. Terry stated the LUAU Portal / technical portal is primarily focused on a partnership with the Governor’s Office of Planning and Budgeting (“GOPB”), partnering with the Utah Project Portal. It would provide back-end access that could help those serving in planning technician-level roles, beginning with the Local Administrative Advisors/Community Advisors that are funded by the state to help them address land use planning, particularly in the more rural areas of Utah. Items such as model ordinances and templates that are less effective if just accessed on the open internet without technical supports to customize these items to an agency’s needs. Initially, the idea was to work in tandem with the agreement GOPB already had in place, and to enhance discussions with the Department of Commerce procurement team who has requested the Office follow the proposal process and submit an RFP. The cost would be approximately \$350,000.00. There is a LUTF carryover amount of funding currently at a total of \$3,000,000.000 (shared by DOPL and OPRO) that is available. The cost of the Portal would come out of that funding and not the current revenue coming in from the 1% surcharge. If funding is not utilized in a timely manner, then each year we risk losing that funding.

The Board is supportive of the project and moving forward with the RFP. The Board requests to be kept updated of the progress and if the Board felt it necessary, they would discuss steps moving forward.

TRAINING FUND PROJECT UPDATES AND QUARTERLY REPORTS:

Mr. Cullimore stated this is a matter that was previously discussed in the August 6, 2025, Board meeting and tabled for further discussion.

Mr. Terry provided a document that addressed historical information since the fund was in place, how many grants have been awarded, the amount of funds granted, information about projects that are almost completed and information about the projects that have been completed. Copies of required quarterly reports of current projects being funded through the Land Use Training Fund were also provided. Quarterly reports from the applicants are required as part of the grant agreement process.

Mr. Bateman requested an annual summary of the land use training funds, completed projects, deliverables, and progress of current projects. In addition, quarterly reports throughout the year. If an applicant is returning to request funding, a small summary of what

an applicant has completed prior with the land use training funds should be part of the applicant's presentation.

TRAINING FUNDS – DISTRIBUTION OF, AND ENCUMBERED FUNDS:

Mr. Cullimore stated this is a matter that was previously discussed in the August 6, 2025, Board meeting and tabled for further discussion.

Mr. Terry stated the Office has been working with Commerce Accounting to determine an efficient method of determining the amount of dollars accrued from the 1% business surcharge (50% DOPL / 50% OPRO) that is available specifically for the Land Use Training Fund. Accounting has created several new tools. They have given us access, and we no longer need to rely on DOPL to provide us that information. One of these new tools is an “encumbered funds” spreadsheet to show that portion of the funds already granted and therefore deducted from the overall available funds and will serve as proof that the fund is being used in order to assist in preventing all or a portion of the funding.

The Office has been considering a grant management software program to assist in processing requests for both funding and reimbursement, anticipated to cost approximately \$75,000.00. In addition, as the Land Use Academy of Utah continues to grow, it is becoming more difficult to keep up with updates and maintenance, the Office is considering establishing a contract with a consultant to complete that work, with a set number of hours per month.

ADDITIONAL MATTER – ADMINISTRATIVE RULE CHANGES:

Mr. Terry stated he had prepared a draft of both a proposed amendment key summary of the intent for the proposed changes to the administrative rules and a summary of changes per section. In addition, the entire document has been color-coded with items that were existing rules and proposed amended rules. He will send that draft to the Board for review and comment.

ADDITIONAL MATTER – BOARD MATERIALS

Mr. Kendall requested Board materials be sent to the Board a few days earlier for the Board members to have time to access and review the information prior to the Board meeting. Board materials will be sent out the Friday before the week of the Board meeting.

ADJOURN:

MOTION: Cate Klundt made a motion to adjourn the meeting. Wade Budge seconded the motion. Meeting adjourned at 11:09 a.m.



Brent N. Bateman (Jan 20, 2026 11:36:38 MST)

Date: 01/20/2026

Brent Bateman, Acting Chair