

Minutes

UTAH LAND USE & EMINENT DOMAIN ADVISORY BOARD

Office of the Property Rights Ombudsman

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

Herbert Conference Room, 2nd Floor & via Zoom

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

January 14, 2026, 10:00 a.m.

ADVISORY BOARD:

Brent Bateman, Vice Chair
Nathan Bracken
Wade Budge

Clint Drake
Mike Kendall

Absent and Cate Klundt
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:

Utah League of Cities and Towns
• McKenna Marchant

Utah State Historic Preservation Office
• Amber Anderson

Wasatch Front Regional Council
• Christy Dahlberg
• Megan Townsend

Jones & DeMille Engineering
• Ryan Jolley
• Kendell Welch

APPROVAL OF THE MINUTES:

MOTION: Wade Budge made a motion to approve the minutes of the Board meeting held December 3, 2025. Clint Drake 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.

Utah League of Cities and Towns (“ULCT”)

ULCT submitted a request for \$10,500.00 for scholarships that will be opened up to 7 agency-specific individuals who will be recommended by their Local Administrative Advisor (“LAA”) or community advisory who is actively engaged with LAA participating municipalities - class 2 through 5 counties. The LAA is a state-funded program, managed by ULCT, that provides support for technical staff to smaller agencies that have very limited or any technical staff. This request will allow 7 agency-specific staff members to attend the UCLT 2026 Midyear Conference in April 2026. McKennan Marchant, project manager for the LAA program, is online to answer any questions from the Board.

Ms. Marchant advised that the last scholarship request awarded by the Board for ULCT's annual conference was very well received. ULCT received very positive comments from their applicants, one quoting “the scholarship program helped our municipality with limited budget to attend this conference that enables us to better serve our communities”. The scholarship covers registration, travel and lodging. The seven AOG's would each select an individual to receive a scholarship. Those individuals are encouraged to share the information they learned with their community as well as surrounding communities. Attendance for the midyear conference is well attended by hundreds of municipal officials throughout the state.

Mr. Terry advised UCLT would submit all expenses and proof of payment after the conference for reimbursement. Staff review the request before sending it to Commerce Admin for approval.

MOTION: Mike Kendall made a motion to approve ULCT's request for \$10,500.00 for seven LAA scholarships to attend ULCT's 2026 Midyear Conference. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

The Board requested that Ms. Marchant keep the Board informed as to how the program goes.

Utah State Historic Preservation Office (“SHPO”)

SHPO has submitted a request for \$8,000.00 to conduct their 2026 Preservation Engaged Conference scheduled for June 2026. The conference topics traditionally included items including historic preservation, best practices, case studies, research for downtown and mainstream planning, funding and more with emphasis on historic preservation and planning associated with that. Approximately there are 280-300 attendees. Attendees are local officials, planners, business owners, especially those located in historic downtown areas, attorneys and individual community members and more. The materials from the Conference will be available on the conference website and or the Land Use Academy of Utah (“LUAU”) site. SHPO's request does not include expenses for audio/video recording. Amber Anderson, Deputy State Historic Preservation Officer, is online to answer any questions from the Board.

Ms. Anderson stated SHPO is one of 59 similar offices across the country who participate as a part of a federal-state partnership to enact and fulfill federal mandates to identify, evaluate, and protect historic and archeological resources. So much of what they do ties to land use. One session of the conference specifically addresses how to navigate being within a historic district that is dedicated to main street and planning. The conference usually costs about \$25.00 to pay food costs. All other funding is provided by SHPO. Due to increasing costs and funding issues, it is difficult to fund the entire conference.

The Board inquired if SHPO was going to continue to charge \$25.00 to attendees.

Ms. Anderson confirmed, however if the cost of food is too high, the cost of the conference may increase to \$30.00.

The Board and the Ombudsman Office staff agree that the conference aligns to the purpose of the fund.

MOTION: Wade Budge made a motion to approve SHPO's request for \$8,000.00 for SHPO's annual Preservation Engaged Conference. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Ms. Anderson advised she would send everyone an invitation to the Conference.

Wasatch Front Regional Council ("WFRC")

WFRC has submitted a request for \$255,000.00 to update and enhance the Wasatch Choice form-based code template, which has been well utilized since its creation 12 years ago. WFRC is looking to improve this tool, primarily to focus on applications that are for greenfield centers and infill. The total project cost anticipates to be \$400,000.00. However, WFRC and Mountainland Association of Governments ("MAG") are providing a \$145,000.00 match to offset the cost. This tool will continue to be hosted online and available for use at no cost. The update will include the ability to export code language based on user selections, be graphically rich and in line with many of the additional tools, supported by the Land Use Training Fund over 2024 and 2025, that have been created, or enhanced. WFRC has been very active with the land use training fund and has provided high-quality tools and resources. Christie Dahlberg and Meg Townsend are online to answer any questions from the Board.

Ms. Dahlberg provided a short presentation that included examples of the current version of the template used by South Salt Lake, North Ogden and Bountiful with graphics and diagrams. The Mixed-Use Center project created some great visuals to assist communities visualize what a center could look like in their community. She stated the current template is getting old. From previous reach-out to 80 communities, local and rural, there is still room for assistance with policy and regulatory support. In the Wasatch Front alone, the Transportation and Land Use Connection ("TLC") program, in partnership with WFRC, UDOT and UTA, received 12 requests for various code updates in the last five years. The current system is difficult to use and may require a technical consultant which can be expensive. The current template is in an adobe program called InDesign which itself is difficult to use and requires a license which most cities do not have. The new template will be on a web platform, accessible at no cost, and export from that web page into whatever format works best for the user. It will be more dynamic and automatically produce images to scale and representative of the intention of the communities.

Ms. Dahlberg stated there will be two phases to the project. Phase One will be to develop the actual content of the template, including options from the same middle and different centers. Phase Two will be making the digital platform designed to provide those graphics and tools for communities. Webinars on how to access the tool could be given at APA or ULCT conferences. The final product will be statewide, at no cost to the users, and housed on WFRC's website. They would like to house it on the LUAU website as well.

Mr. Bateman and Mr. Budge inquired how the current template is being used, who is using the tool and how often it is being used.

Ms. Townsend advised the current tool, the 2012 form-based code template, was produced when form-based code was a new concept. It had the ability to show communities the different type of code they can have. However, it is not simple to use, expensive to use via InDesign, and has generally taken a consultant or a technical expert to help a city produce code using that template which can in itself be expensive. WFRC would like to provide a tool where if a community has a small area, they can start exploring using a different type of code where a consultant may not be needed. WFRC is trying to streamline the process and customize it to include dynamic graphics and related information. South Salt Lake City was an early user of the original code template. A consultant was hired to assist the City for that project – the Sugar House streetcar line. South Ogden used the code to implement one of their mixed-use districts. Vineyard as well. Pieces of the code template have also been used.

Mr. Kendall stated that current tool seems to have a lot of power with significant limitations in terms of need for consultants, communicating with other software and providing the results for what communities are trying to do. 1. How will the proposed project resolve those issues and which ones specifically? 2. Can you identify how many local entities are using form-based codes? Does your website provide those metrics? 3. If not, will this new tool provide metrics dedicated to tracking who the participants are?

Ms. Townsend stated there may be some good content within the existing code template, so WFRC would not need to start completely from scratch. Currently there are many decisions to make that may eventually require a change down the line, expert advice, etc. The existing code does not provide the means of editing code easily. The new tool will be designed to make any changes without going line by line. While it still may be necessary to have some expert advice depending on the expertise of staff, the idea is to try and eliminate the existing hurdles. The code could be exported into different types of software instead of being restricted to Adobe InDesign. Ms. Townsend indicated the existing website for form-based code does not have any metrics associated with it. Based on her years of service, she estimates it has been used about 15 times, adopted in full around 6-8 times. Pieces of it have influenced a lot of consultants in their community and may be using it in their own way. Most cities are using a type of hybrid code that may include some form-based elements. Metrics are not currently within the proposal for funding, but it could be something that is included.

Ms. Dahlberg stated that since the template is 12 years old, it may not be as well known throughout the State. WFRC plans to engage planners and developers from all types of different communities to make sure it is efficient, understandable, and user-friendly for everyone. The hope is to make the new tool more known and used throughout the state in all types of communications.

Mr. Terry stated he feels this request aligns with the intent of the funding. Looking over the request, and the fact that it will be web-based, information can be easily accessed, information entered could show results in, for example, a planning commission meeting that would show the effects of the information entered as well as other impacts which would assist in policy discussions and decisions.

The Board expressed concerns regarding the use of the new tool and the total funding requested. How the tool will be used and how often. Form-based codes work in some cases

and maybe the difficulty is using the existing tool has turned users away and that may be the partial reason why. However, land use decisions, code, has gone into some different directions from form-based code. Having said that, will the Board be approving funds for a tool that is not going to be used. There are smaller towns and cities that have turned away from form-based codes as they don't have the budget for it and although form-based codes are a good place to start, they want something that's unique and specific to their circumstances.

Ms. Dahlberg states the benefit of having a digital platform is the ability to update the template as things change such as legislation and code requirements. Ms. Townsend added in Phase One, they are changing the name of form-based code to move away from the stigma previously created with the existing tool. In addition, they are hoping to get more users as it will reduce the cost of creating a custom citywide code or focus on a city's mixed-use districts. In addition, they are hiring consultants to provide more technical information, as well as other stakeholders, to help determine what the different code elements that a city can choose from including what is working now and modernizing this tool.

Mr. Bracken sees value in the project as having a template could be useful for smaller towns and cities who are cost conscious. There seems to be a trend, legislatively with land use to move towards a type of uniform state code including uniform provisions in LUDMA. It would be more and more helpful to have these types of documents in line with what the state code requires.

Mr. Kendall suggested WFRC submit a refined application to include a more specific description of what the actual deliverables will be, what exact changes will happen, functionality and metrics - how users are going to be tracked as it appears there is a lot of reliance of the need to hire consultants and have them drive the vision. Phase One is a small portion of the requested \$255,000.00.

Mr. Budge suggested the request for funding be split into two requests. The Board could allocate a portion of the requested funds, \$50,000.00, to have WFRC bring back an outline of what is proposed to be done with the remaining amount of the \$255,000.00. A proposal of the elements needed to be incorporated in a new and improved, updated, form-based code tool including a clearer section about how to describe the form, how it will interface with other codes.

Mr. Kendall requested an additional component that includes how much training could be provided at the larger conferences about the use of this tool, functionality, etc. Mr. Kendall inquired if that has been done before.

Ms. Townsend indicated they have mostly partnered with a community using the form-based code template, but also they regularly provide information at ULCT and APA conferences. Training has not been provided that recently as the tool is outdated.

The Board requested that Phase One should be a more detailed description of the project.

Ms. Townsend clarified Phase One would not be the deliverable, just a more detailed proposal for Phase Two of the project.

The Board determined \$50,000.00 would allow WFRC to hire consultants that are committed and in addition, shows commitment on the Board's part. The Board would like WFRC to

provide the information requested, outlining and showing what the project will look like going forward and then request funding for Phase Two.

MOTION:

Clint Drake made a motion to approve \$50,000.00 to WFRC to provide a more detailed proposal (Phase One) of the project, including outreach and utilization. In addition, WFRC bring the proposal along with a request for the additional funding needed to complete the project should the proposal be accepted. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

Jones & DeMille Engineering, Inc. (“JDE”)

JDE has submitted a request for \$355,000.00 to develop and implement the LUAU Portal; an application that houses 11 core modules which includes migration of the training, metrics, networking and resource materials. This would include an initial \$50,000.00 in upfront funding to begin the process and additional amounts at \$25,000.00 after eligible expenses have been submitted and approved.

This project has been a topic of discussion over several Board meetings, the last approving the Office to consider options to facilitate moving forward with such a project. The LUAU Portal would serve as a technical warehouse for all items that are going to allow access to training and resources, at not cost, to the next level while providing a platform to give users an opportunity to network and share information. This ties in with the Governor’s build initiative, the GRIT initiative, and ties all stakeholder groups together.

Background: originally the idea was to link off an existing contract in place for the Utah Project portal. After various discussions with the agencies involved, that route didn’t seem to be the preferred course of action due to the overall total scope of the project. Discussions were held to move forward with either a land use training fund application or an RFP. When considering the RFP route, two concerns surfaced. First, The Department of Commerce (“Commerce”) would not be the administrator of the contract as the contract would go through the Department of Government Services (“DGS”), which could complicate the administrative management and billing process of the overall project. Second, and related, is the issue of how encumbered funds are viewed. Commerce considers approved training fund applications as encumbered and therefore those funds are committed. DGS considers funds encumbered once an invoice is submitted, which could take a considerable amount of time for a project of this scale. If the funds do not show encumbered, including the rollover dollars suggested for this project, then the Legislative Analyst’s Office, at any time, can take the funds on the basis that they are not viewed as being used.

Having said that, we have come full circle back to the land use training fund and the need for a grant application, where a grant agreement is in place, directly administered by Commerce and funds are considered encumbered and therefore committed to the project. Initially, JDE designed the Utah Project Portal, which is why conversations began concerning the LUAU Portal. JDE has the expertise to complete this project and has submitted a training fund application.

Mr. Bateman asked for additional clarification regarding an RFP process and the receipt of a grant application.

Mr. Terry advised that the original conversations considered an RFP. Due to the challenges and limitations of that process, Commerce and the Office felt that a training fund application could be the best way to fund a project of this scope. JDE, having the technical expertise and knowledge has elected to submit an application for this project. Ryan Jolley, from JDE is online and available for questions from the Board.

Mr. Bateman stated it would make more sense to have the Ombudsman's Office submit a request for funds and contract with JDE to complete the work. Mr. Bateman inquired if the Ombudsman submitted the request, would the funds not be encumbered?

Mr. Terry confirmed that State policy would require the Office to conduct an RFP process to take that approach. However, with a training fund application, the RFP process would not be needed.

Mr. Kendall expressed the need for this type of project that has been discussed for a long time. The resources and accessibility are very important. The request looks like a pretty comprehensive package. He inquired how the deliverable is going to function including a discussion regarding operations and maintenance for six months before turning that cost over to the Ombudsman's Office. Mr. Kendall has two questions: 1) How comfortable is staff going to be to address operations and maintenance going forward. 2) Is there an IT department or other resource within the State that can be utilized to provide these services for the Office and then in the foreseeable future, looking to contract with another service provider to provide ongoing maintenance.

Mr. Terry advised there are several sources of funding to assist with operating and maintaining the site moving forward. It could not be just a one-office type of show. The Commerce IT department could handle basic maintenance as far as security patches, etc. However, due to the level of intensity of uploads, updates and other maintenance issues, it would be best for the Office to dedicate approximately \$10,000.00 a year for additional assistance, as determined necessary. Currently the Office does not have an arrangement to operate the current website as everything has been done by in-house staff which, at times, places a burden to complete that work and other regular job responsibilities.

Mr. Terry stated that there is an IT department within the State who has been extremely helpful in putting together the main LUAU site and transitioning the original site over from the League. Due to some legislative changes, IT has been required to make a lot of changes on all state websites. They would be too buried to assist (six to eight websites deep). A request for maintenance and basic service requests could take up to five weeks. Obtaining a maintenance contract in the future would make sure that any operations and maintenance issues would be treated as a priority.

Mr. Kendall inquired if the training fund would be utilized on an ongoing basis to fund operations or through the Office budget with Commerce.

Mr. Terry stated both options are viable. The Office would like to take on as much of the administrative responsibility and cost in-house as possible. Where it wasn't possible, the Office would request to utilize the fund in full or in part. The estimated \$10,000.00 would be all encompassing to include both the LUAU Portal and the main LUAU site – technical back-end site as well as the front-end facing the current LUAU site.

Mr. Jolley states, having worked with developers and communities across the state for decades, this project is a crucial piece in having all resources and training available and accessible. They are happy to participate in the RFP process, if that direction is preferred.

Mr. Kendall asked Ombudsman staff if they believe that all of the 11 modules presented in JDE's application are crucial.

Mr. Terry advised that there are some that are absolutely crucial and some that are very useful, but not mission critical. However, it would be nice to have and are going to address common requests the Office hears from communities that they would like to have, including GOPB, as they are trying to implement and help other agencies with items such as website design and code update items. He states this is the right time to proceed with this project as there is carryover funding currently in place to utilize and has been there for multiple years and we are at the risk of losing it since it is not being used.

Mr. Cullimore confirmed that by using the rollover money, this cost would not impact the 1.1 million currently in the land use training fund.

Mr. Bateman encouraged staff to ask for funds every year for the Ombudsman's Office to produce content.

Mr. Terry stated that has always been the intent. The Office would like a foundation in place to be sure that the site and portal would be accessible before creating the content.

Mr. Bateman inquired if the Board had any further discussion, otherwise he would take a motion regarding JDE's grant application

MOTION:

Mike Kendall made a motion to approve JDE's request for \$355,000.00 including \$50,000.00 of upfront funding and subsequent applications for \$25,000.00. Brent Bateman seconded the motion. None opposed. Motion carries unanimously.

ADJOURN:

Mr. Bateman indicated the Board was out of time. He would take two motions. One to table items 4 and 5 to the next Board meeting and one to adjourn.

MOTION:

Brent Bateman made a motion to table items 4 and 5 on the agenda and to adjourn the meeting. Nathan Bracken seconded the motion.

Meeting adjourned at 11:35 a.m.



Brent N. Bateman (Mar 11, 2026 12:05:08 MDT)

Date: 03/11/2026

Brent Bateman, Acting Chair