

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.)

March 11, 2026, 10:00 a.m.

ADVISORY BOARD:

Brent Bateman, Vice Chair
Nathan Bracken
Wade Budge
Clint Drake

Cate Klundt
Mike Kendall
Cody Lutz

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:

Public

- Kent Singleton
- Randy Parker
- Jeff Glum

Uintah Basin Association of Governments

- Nate Zilles

American Planning Association, Utah
Chapter

- Nicole Mason

Utah State University

- Kelly Kopp
- Joanne Endter-Wada

WELCOME

The Board welcomed its new member, Cody Lutz. See agenda item "Board Nominations-Update".

APPROVAL OF THE MINUTES:

MOTION: Nathan Bracken made a motion to approve the minutes of the Board meeting held January 11, 2026. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

PUBLIC COMMENT – KENT SINGLETON:

Mr. Bateman advised that public comment is not normally part of the Board meetings. However, he has agreed to allow a 5-minute period for Mr. Singleton and Randy Parker to speak. Mr. Singleton also brought Jeff Gluff as part of his group.

Mr. Singleton introduced himself and Randy Parker. Mr. Singleton owns riverfront property in Taggart, Morgan County. He thanked the Board for the opportunity to speak. The issue he will address concerns property he owns including other properties affected by the implementation and enforcement of the Public Waters Access Act (“PWAA”) which he states has been law for over 15 years. He states although the PWAA has been law for 15+ years, uncertainty remains about how it intersects with trespass and private property rights leaving landowners without a meaningful resource to address these issues. Mr. Singleton states his property has been affected and Morgan County has declined to enforce the PWAA in ongoing trespass issues regarding public use on his property. He references the Office’s Advisory Opinion #286, he believes, addresses why complete statutory context matters. Mr. Singleton has requested the Board to support training that ensures PWAA and related statutes are applied and enforced consistently statewide. Mr. Singleton turned the remainder of his time over to Randy Parker.

Mr. Randy Parker is the CEO of the Utah Farm Bureau. He shared some history and information on the PWAA and navigability for title. Mr. Parker stated he was honored to testify five times before the United States Congress on states’ rights, water rights and property rights. Mr. Parker provided a document he prepared detailing the history of the PWAA and related issues and court cases. That document, in whole, is provided on the public notice website under “Land Use and Eminent Domain Advisory Board – March 11, 2026” meetings.

Mr. Bateman confirmed this is a real issue and asked Mr. Parker if there was any additional information he would like to add.

Mr. Parker advised he had worked on a brief, with council out of Colorado, the Mountain States Legal Foundation, and submitted that brief since the PPL Montana vs Montana (2012) case was going to be inclusive of all the western states, their claim on all of the rivers. What that did was define how that can be done and how the public can have access to those streams. It was an important legal precedence. Mr. Parker provided a sheet of data regarding Utah law and federal court actions to further describe the situation. This document, in whole, is provided on the public notice website under “Land Use and Eminent Domain Advisory Board – May 11, 2026” meetings.

Mr. Bateman advised Mr. Jeff Glum to go ahead and introduce himself and provide comment as requested.

Mr. Jeff Glum advised he is a regular citizen and believes the Board should allow public forum for citizens who wish to come and present their concerns.

Mr. Bateman stated this Board is not a public forum, however, it allowed Mr. Singleton to have that opportunity to do so. The Board does not normally allow public comment and again stressed these meetings are not a public forum. He appreciates the presentation given, and the opportunity to review and discuss the issue as Mr. Singleton has repeatedly requested.

Mr. Bateman further commented, to Mr. Singleton, that he agrees that this is a major issue that people do not understand. He stated, not speaking on behalf of the Board, but as a land use attorney, Mr. Parker's explanation and interpretation of the law is correct. However, the two issues conveyed to Mr. Singleton have been conveyed to him in the past and have not been addressed in his presentation. First, the question of jurisdiction, whether this training topic falls under the jurisdiction of the Office. The Office previously determined it was not. Mr. Bateman welcomed the Board's opinion. Second, if the Office were to prepare and provide the training, what is there to indicate that it will be attended. The Office provides training as requested. If the Office is requested to do so, they provide the training. Neither this Board nor the Office can prepare training when there is not an audience, nor training that is outside the jurisdiction of the Office to provide. The Office has no authority to require attendance. Mr. Bateman asked Mr. Singleton, and/or Mr. Parker and Mr. Glum, to address these two questions.

Mr. Parker advised he had met with two professors at Utah State University who received a training grant through the Office who will be reaching out and providing training. For soliciting attendance, that would involve finding an audience that is like-minded where this training fits with the overall application of what they are doing. Mr. Parker stated there is, in fact, some training that is being developed between the Office and Utah State University. He was also involved with Representative McIlff in drafting this and it is all about protecting property rights.

Mr. Glum stated to make the training mandatory to all municipalities.

Mr. Bateman stated the Office nor this Advisory Board as the authority. That would have to be granted by the State Legislature.

Mr. Singleton stated he has asked for training and has been denied.

Mr. Bateman inquired of Mr. Singleton if he is requesting training just for him or if Mr. Parker is suggesting he can find the audience.

Mr. Singleton advised he has requested training and has also invited others such as the Weber River Partnership who are the outfitters using his property and others' properties.

Mr. Bateman suggested a path going forward and welcomed the Board to provide any questions or comments. He advised this is not a matter for a Board vote at this time, but he suggested that Mr. Singleton submit a *Request for Training Funds* application and return as an applicant to have his application reviewed by the Board. Mr. Bateman suggested that the application be presented in two parts. First, the application needs to come from somebody who wants to be trained, not from someone who wants to just see the training out there. The requesting entity could be the Farm Bureau, any of the water organizations mentioned or even a sportsman's organization so that the request comes from someone who wants to be trained. Second, the application needs to include an explanation as to why this particular training falls under the jurisdiction of the Office, as specifically spelled out in the statutes.

Mr. Singleton stated the Office has already provided this training to surveyors without using "PWAA" in their presentations, but rather the items that created the PWAA. He stated that

information has also been brought up in other trainings. Information he has obtained via a GRAMA request. As such, he questions the actions of the Office to provide information if it is not in their statute to do so. Mr. Singleton states he has emails and other documentation of correspondence with the Office that he can provide and believes he has not received the answers to which he is asking.

Mr. Bateman advised the Office has responded but concurs that Mr. Singleton has made a good point. He again advised Mr. Singleton to submit an application for training funds that includes a date for the training, a plan, an organization to make the request and an explanation for requesting the funding. He stated the training could include an opportunity for Mr. Singleton to participate in the training. Mr. Bateman advised Mr. Singleton that he can return to the Board to have his request reviewed and discussed. Based on the Board's review, the Board will determine whether or not to grant the request for funding in full, in part, or deny the request.

Mr. Singleton also mentioned that he had requested several copies of the Ground Rules book from Craig Call but was denied. He stated he had to purchase the book through Amazon.

Mr. Parker stated he doesn't understand how two county attorneys both have said this situation is not settled and choose not to enforce the law, although the law is explicit. He stated he does have an appointment with Attorney General Derek Brown as he feels it is important that Mr. Brown is aware of this situation with the county attorneys, or other attorneys at a county level understand that it's their obligation to enforce all of the laws of the State of Utah.

Mr. Bateman thanked Mr. Parker. He also reiterated that is not just the question about jurisdiction to be addressed on the application but also whether or not the Office has jurisdiction over questions of trespass and easements of water.

Mr. Plehn clarified that the Office did issue an advisory opinion for Mr. Singleton that was looking at whether Morgan County was occupying private property in a way that would be considered as a taking. So, if the government is trespassing on private property, and doing so for a public purpose, then it's a taking. That was stated in the opinion. The issues Mr. Singleton has is that there was an ownership dispute over who owns the particular property in question. There is a boundary issue where Mr. Singleton and the County are neighboring landowners. So, the questions were where Mr. Singleton's property line starts in relation to the Weber River. The opinion concludes that Morgan County was claiming that the disputed portion of the property was a county right-of-way based on a survey the county obtained. We determined if the county was relying on a survey to assert their claim to the property, that's a colorable claim of interest and so we could not conclude that the County was actually trespassing on private property. The Office does not disagree with the law and if the government occupies private property, then it is a taking. This was said in the advisory opinion. The question is, is this private property? This question has not been resolved any further through court adjudication or other means. It is a factual issue.

Mr. Singleton advised Morgan County has relied upon their handwritten plat map and have not answered his question as to why the County is not using a certified GIS plat map.

Mr. Bateman advised he can see that Mr. Singleton has a basis for his understanding and for his disagreement. The question to be answered on the application for training funds is how that training will solve that problem. The training needs to be connected with what the Office does. The Office addresses taking issues, not trespass issues. That is not within their jurisdiction. Mr. Bateman asked Mr. Singleton if he was interested in following the process of requesting funds.

Mr. Singleton confirmed that he was and that he would have the opportunity to present the application to the Board.

Mr. Bateman confirmed and stated that he has given Mr. Singleton an idea of what the Board would like to see in his application and then to return and present that application for the Board to review. He is asking Mr. Singleton to follow the application process. Mr. Bateman advised the public forum to be concluded, and the Board must proceed with the Land Use Training Fund applications submitted for review for this Board meeting.

LAND USE TRAINING FUNDS APPLICATION:

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

Office of the Property Rights Ombudsman (the "Office") Q4 2025 - \$2,886.68

The Office is requesting \$2,886.68 for costs associated with providing 10 presentations held between October 1, 2025, through December 31, 2025. The majority of the training was associated with fall conference activities with APA, ULUI, and ULCT. Training was also provided to the planning commissions and city councils regarding basic land use topics for the Cities of Sugar House and American Fork.

MOTION: Clint Drake made a motion to approve the Office of the Property Rights Ombudsman's request for \$2,886.68. Mike Kendall seconded the motion. None opposed. Motion carries unanimously.

Uintah Basin AOG ("UBAOG") Government in the Basin 2026 April Seminar – \$6,061.40

UBAOG submitted a request for \$6,061.40 for costs associated with conducting UBAOG's 2026 Government in the Basin Seminar. The seminar will be held on April 1, 2026, at the Uintah Conference Center in Vernal. It is an annual event providing training to elected officials, planning and zoning committees, other government officials and staff from the Uintah Basin region. Topics include legislative updates, a review of land use training materials and various other land use topics. Attendees will be given an introduction and review of additional resources from presenters from federal, state, local and private agencies. Nate Zilles, Community Development Administrator and Community Advisory, with Uintah Basin AOG is available for questions.

Mr. Zilles stated UBAOG has utilized the training funds in past years and has had 100+ attendees. He indicated that Richard Plehn, OPRO, has presented and explained legislative updates regarding land use as well as presentations by Rob Terry, OPRO, who will be discussing LUAU and the new website and available resources at this conference.

MOTION: Mike Kendall made a motion to approve UBAOG's request for \$6,061.40 for the 2026 Government in the Basin Conference. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

American Planning Association-Utah Chapter ("APA") 2026 Spring Conference - \$44,174.00

APA submitted a request for \$44,124.00 for costs associated with conducting the 2026 APA-UT Spring Conference, scheduled for April 8, 2026, through April 10, 2026, in Bryce Canyon. They expect over 200 attendees. The Spring Conference focuses on rural land use related items and is generally held in a more rural area of the State. Training opportunities are provided for planning commissioners, city council members, staff members, general public and students. Topics include, but are not limited to, land use law, policy, mediation, ethics, transportation, trails, and recreation. The majority of the costs are applied towards the facilities, recording of the training sessions and online streaming options. Mr. Terry is available for questions until Nicole Mason can be available.

Mr. Drake inquired if the cost to attend is reduced due the funds awarded.

Mr. Kendall confirmed and stated APA has provided group options that allow participants to attend at a lower cost.

Mr. Terry advised that APA is working diligently to keep costs reasonable especially for students and new planning commissioners to encourage them to attend. He estimates the bulk of attendees are likely local agency staff and planning commissioners, however APA is very active throughout the state, including working with universities that have accredited programs. Of 200 attendees, the guess is 20-30 will be students.

Nicole Mason is now available for questions. She indicated that APA is actively working on increasing their citizen planner attendance, working quarterly with Rob Terry, ULCT and others to discuss and answer related questions. They will be working with ULCT in spreading the word about APA related activities and providing information/flyers to different organizations to inform them of the conferences and resources.

MOTION: Cate Klundt made a motion to approve APA's request for \$44,174.00 for the 2026 APA Spring Conference. Clint Drake seconded the motion. None opposed. Motion carries unanimously.

Utah State University ("USU") Growing Water Smart – resubmission – \$29,063.52

USU has submitted a modified resubmission for a previously approved land use training fund application that was heard by the Board in November 2023. Their request was consequently approved. The original request was for \$79,888.00 for costs associated with providing a training program, Utah Growing Water Smart. This program provided workshops and related activities for seven community teams throughout the Weber Basin Water Conservancy District service area. It was part of a statewide initiative that focused on advancing the integration of water and land planning activities by Utah municipalities and counties. The workshop was held May 14, 2024, through May 16, 2024, on the USU campus. Following completion of the

workshop and associated activities, USU staff worked diligently to compile the needed documentation to submit their reimbursement request. However, multiple administrative challenges led to multiple delays and prevented the timely submission of all required documentation and the grant period expired. At this time, USU Staff have been able to bring together all required documentation. The amount requested, \$29,063.52, is significantly lower than the original application. Given the fact that this was a previously approved agreement, the decision was made to resubmit for the Board's consideration. Kelly Kopp and Joanna Endter-Wada are online for questions.

Ms. Kopp expressed her appreciation for the opportunity to resubmit the request in order to seek reimbursement for the costs associated with the Growing Water Smart Workshop. USU as well as other public education institutions of higher education began to undergo very significant changes in both structure and funding models which directly affected their sponsored programs office which resulted in significant challenges and as such, the deadline to submit a request for reimbursement passed. The request submitted today is less as the costs listed are known.

Mr. Lutz advised he had the opportunity to attend one of the workshops and stated they were very well facilitated and communities were actively participating.

Mr. Bateman commented that although a request for reimbursement was not submitted in time, if there is proof of just cause or reason for that delay, the Board has the ability to be flexible. He concurs it was a great event.

MOTION: Wade Budge made a motion to reapprove USU's request, in the amount of \$29,063.52, for the Growing Water Smart Workshops held in 2024. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

Training Fund Project Updates & Quarterly Reports

The Land Use Training Fund Quarterly Report was shared on screen. The reports are for progress by applicants approved prior to Quarter 4 (Oct/Nov/Dec) 2025. These are for any active grants associated with those approved requests. A summary page lists the amount funded, the grant expiration date, grant agreement number, project name and name of the grantee. The reports are designed to ensure the applicants remain on task for budget and timeliness and allow them to indicate if there are any challenges that may require any time of change to scope, budget, project team etc. It is not uncommon for an applicant to request an extension of time within their agreement. We do not have any concerns at this time. The quarterly report was included in the Board packet.

Mr. Bateman advised that if there are any concerns regarding, but not limited to, budget, ability to complete the project and completed deliverables, those concerns should be brought before the Board to discuss.

Mr. Kendall inquired if Mr. Terry, once a project funded by the training funds has been completed, could provide a summary of that project or some detailed information he feels would be relevant. In particular, Mr. Kendall is interested in those applications when training is involved, if the number of attendees anticipated matches the number of actual attendees. If

200 were expected, but only 100 attended, or has the applicant clearly achieved what they set forth to do with the funds awarded.

Mr. Bateman included it would be helpful to know how long it took for funding to be issued by the Department of Commerce.

Mr. Terry indicated it would be some added work but believes it will be time well spend as it is important for the Board to know if the items approved are in fact meeting the scope, budget and metrics projected for each project. It is also important for the appropriate accountability of the program and for repeat applications. For example, if there is an applicant that is consistently delivering what they proposed, then you are ensuring that you have good accountability and quality there. In addition, if there is an applicant that is struggling with that, then the Board has an opportunity to discuss improvements that need to be made in order for the applicant to remain an active participant within the training fund program. Mr. Terry advised he will attempt to make a draft to see if it falls within what the Board is asking. Improvements and suggestions can be made for future reports.

ADMINISTRATIVE RULES UPDATE DISCUSSIONS:

Mr. Terry advised the update to the current administrative rules governing the Land Use Training Fund have been completed and sent to the Board for review. If there are not any changes to be made, he will move forward to submitting the rule change for approval.

Mr. Bracken advised he fully supports this effort and it will help the Board during discussions of training fund applications.

MOTION: Nathan Bracken made a motion to authorize the Office to submit the Rule changes for approval. Brent Bateman and Wade Budge seconded the motion. None opposed. Motion carries unanimously.

BOARD NOMINATIONS – UPDATE:

The Board welcomed Cody Lutz. Mr. Lutz represents the neutral seat on the Board as described in [13-43-202\(1\)\(g\)](#).

Mr. Lutz advised he is the Senior Planning Project Manager for Envision Utah. He has been with Envision Utah for approximately eight years and has been involved in regional planning, land use and transportation, mixed-use centers and others.

Mr. Cullimore advised now that all Board seats have been filled, and the Board does not currently have a Chair. A new chair and vice chair will need to be elected.

ADVISORY OPINION TRACKING:

Mr. Cullimore provided a summary of current advisory opinions.

Mr. Bateman inquired if it was possible to indicate what kind of input and output the Office is receiving and what kind of timeframe it is typically taking to complete an opinion.

Mr. Cullimore advised that it can take as long as 6 to 8 months from start to finish to issue an advisory opinion. The Office is consistently discussing new and more efficient ways of resolving disputes such as mediation and issuing an informal opinion rather than a formal opinion. However, in both instances, the applicant can decide to move forward with the formal opinion if the situation is not resolved. Since January, we have received 15 new advisory opinion requests, which are far more than we generally receive in that short a time frame. The Office manages the workflow as best they can with the resources they have available.

Mr. Bateman commented on the influx of new opinions, the process of “triaging” those requests and the Office’s reputation of providing advisory opinions to receive so many.

Mr. Kendall inquired if the Office tracks the progress of the requests to show why the process takes the time it does to complete the opinion.

Mr. Cullimore indicated the Office is trying to keep good numbers and report both that information in our annual and quarterly reports to reflect that information more clearly.

ADDITIONAL MATTER – LAND USE TRAINING FUNDS SUMMARY REPORT:

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 MATTERS – LAND USE ACADEMY OF UTAH (“LUAU”) PORTAL - UPDATE:

Mr. Terry advised that at the last Board meeting, the Board had recommended approval for Jones and DeMille to facilitate the LUAU Portal. Department of Commerce administration has determined that they would rather return to the process of obtaining an RFP rather than through a training fund application. Mr. Terry inquired if the Board had any comments or if there was a difference of opinion. Mr. Terry provided some background information regarding the discussions of the LUAU Portal and actions moving forward. Copies of presentations and staff reports provided at previous Board meetings are available if more information is needed. The Board does not have any concerns and concurs with the Office moving forward in line with the Department of Commerce’s recommendations.

ADJOURN:

MOTION: Cate Klundt made a motion to adjourn the meeting. None opposed. Motion passed unanimously. Meeting adjourned at 11:21 a.m.



Brent N. Bateman (May 13, 2026 13:43:28 MDT)

Date: 05/13/2026

Brent Bateman, Acting Chair