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.)

May 13, 2026, 10:00 a.m.

ADVISORY BOARD:

Brent Bateman, Vice Chair
Nathan Bracken
Wade Budge
Clint Drake
Cate Klundt
Cody Lutz

Absent and Excused: Mike Kendall, Jordan Cullimore

Office of the Property Rights Ombudsman:

Marcie Jones, Acting Director & Attorney
Richard Plehn, Attorney
Rob Terry, Statewide Land Use Training Director
Cyndy Nelson, Board Secretary

VISITORS:

- Kent Singleton
- Steve Bendt
- Jeff Glum
- Randy Parker (Zoom)
- DeVaughn Simper (Zoom)

WELCOME

APPROVAL OF THE MINUTES:

MOTION: Clint Drake made a motion to approve the minutes of the Board meeting held March 11, 2026. Cody Lutz seconded the motion. None opposed. Motion carries unanimously.

BOARD NOMINATIONS – CHAIR AND VICE CHAIR:

The Board discussed nominations for Chair and Vice-Chair.

MOTION: Clint Drake made a motion to nominate Brent Bateman as Chair for the Land Use and Eminent Domain Advisory Board. Nathan Bracken seconded the motion. None opposed. Motion carries unanimously.

MOTION: Wade Budge made a motion to nominate Clint Drake as Vice-Chair for the Land Use and Eminent Domain Advisory Board. Nathan Bracken seconded the motion. None opposed. Motion carries unanimously.

ADMINISTRATIVE RULES UPDATE DISCUSSIONS:

Mr. Terry presented an amendment to the Administrative Rules. The Office of Administrative Rules updated their application during the signature process for the Administrative Rules presented to the Board in the January 14, 2026, Board meeting. As a result, a small adjustment to the proposed rules was necessary. Rob shared the rules online. The amendment adds clarification to ensure that there is an understanding that all funding decisions are final, but if denied, the applicant would have the ability to make adjustments to any application previously submitted and reapply if the applicant was interested in reapplying.

The Board discussed and concurs. Should there be an issue of abusing this process in the future, the Board will discuss amending the Rules to address that situation.

Mr. Terry advised any amendments to the Rules would involve approximately a 3–4-month period as the Rules need to be available for public review for 1 month once the administrative rules are posted

MOTION: Clint Drake made a motion to approve the amendment to the Administrative Rules. Cody Lutz seconded the motion. None opposed. Motion carries unanimously.

RULES OF ORDER AND PROCEDURE:

Mr. Terry presented a proposed *Rules of Order and Procedure*, as requested by the Board to provide guidance through the advisory board process and procedures, most notably the roles, responsibilities and activities that the Board undertakes to ensure there is clear direction for both Board members and staff to address items in a timely, efficient and consistent manner.

Mr. Bracken pointed out two items. First, "public comment, paragraph 5B, the Board might consider including express authorization for the Chair to limit public comment time. Second, under "code of conduct", although this has not occurred with this Board, the Board might consider applying the code of conduct to public members as well. Board discussed the proposed changes.

MOTION: Nathan Bracken made a motion to approve the Rules of Order and Procedure subject to the following amendments: 5B to include that the Board may limit the length of public comment and 6A to include that members and attendees are expected to act respectfully and professionally. The amended Rules of Order and Procedure will be submitted to the Chair for review and approval. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

ADVISORY OPINION TRACKING:

Mr. Plehn advised the Office has issued four new advisory opinions since the March 11, 2026, Board meeting. Three of the opinions addressed exactions and the fourth addressed impact fees. In addition, the Office has received six new advisory opinion requests. Two of the previously pending opinions were resolved or placed on hold.

Mr. Bateman inquired if issuing four opinions in 13 weeks is standard, behind or ahead of pace.

Mr. Plehn indicated that the Office is sending out more opinions. It was slow prior to the legislative session. Combined with the addition of new requests for advisory opinions, mediations, presentations and associated travelling, it has been difficult to prepare and issue advisory opinions. However, he feels the Office is in a place now where they will be able to issue advisory opinions sooner.

Ms. Jones added that the Office is issuing more informal opinions. Where the law is clear, the Office is able to provide a faster response to parties involved. Informal opinions are not posted, but the goal is to help more people resolve disputes as quickly as possible.

Mr. Bracken commented that informal opinions have been very useful in his matters.

Ms. Jones also indicated that the number of eminent domain cases have increased drastically. UDOT alone is in the process of acquiring 400 homes and 140 businesses for the frontrunner 2X, I-15 expansion in Northern Utah and other various projects. Counties, cities and towns also have projects that involve acquisitions.

Mr. Bracken indicated there is a lot of growth requiring a lot of infrastructure upgrades, including water infrastructures. With the Olympics coming, there will be additional need to upgrade infrastructure.

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") Q1 2026 - $2,886.68

The Office is requesting $5,741.51 for costs associated with providing 12 presentations held between January 1, 2026, through March 31, 2026. Presentations were provided to the organizations such as the Utah Water Users Group, Builders Association, ULCT, SERDA, University of Utah, USU and to several cities and towns: Monroe, Coalville and Hideout.

MOTION: Nathan Bracken made a motion to approve the Office of the Property Rights Ombudsman's request for $5,741.51. Cate Klundt seconded the motion. None opposed. Motion carries unanimously.

Kent Singleton – $17,500.00+

Mr. Singleton is requesting $17,500.00 with a notation of "to be determined". His request is associated with preparing, organizing, and conducting a training series labeled as *Public Access and Trespass Standards at River Corridor Properties: A Landowner Focused Framework*. The application states that the training is designed to improve clarity and consistency in how the boundary between lawful public use of waterways and unlawful trespass on adjacent private property is determined, communicated and applied, particularly at access points such as takeouts, crossings, and informal entry locations. The application includes providing live webinar sessions, recorded modules, downloadable guidance materials, and case-based examples.

Mr. Terry reported to the Board that the application fails to address both directives previously given to the applicant by the Board during the March 11, 2026, Board meeting, as well as address multiple factors which the Board must consider when determining whether to recommend the application be approved, approved in part, or denied. The application also fails to identify previous experience in providing training and resources by the applicant which is a listed criterion in the Administrative Rules for the Land Use Training Fund.

The first of the Board's directives given was that Mr. Singleton's application must first be submitted by, or in collaboration with, an agency requesting the land use training. The application lists several organizations proposed to be engaged in the training activities, but Mr. Singleton is listed as the sole applicant and did not include any documentation from those agencies confirming support and/or participation.

The second Board directive stated the training content must specifically address why the Office of the Property Rights Ombudsman has jurisdiction to provide training as detailed within the statute. Mr. Singleton's application did not provide any direct references to statutes indicating where the Office had jurisdiction to provide the proposed training content.

Lastly, the proposed case study to be used involves property which is owned by Mr. Singleton and is also the subject of an ongoing dispute. While Mr. Singleton's interests on the topic are legitimate, this introduces ethics concerns as the land use training fund is public funding and it must be used to serve public purpose and not to address any private interest. Mr. Singleton is available for questions.

Mr. Singleton advised he prepared a speech regarding his application which he would like to read to the Board and then he would address the concerns presented. A copy of his speech was provided and added to the public notice website per his request. He then proceeded to read his speech to the Board. Within his speech, Mr. Singleton addressed the issue of an emergency involving a refined gasoline pipeline on property in Morgan County requiring shutdowns due to anomalies and exposed pipeline conditions. He further clarified that he was not aware of a leak on his property but that Phillip 66 is still accommodating recreation on his property while they are working on the leak and consequently, recreationalists are trespassing on his property violating the Public Waters Access Act ("PWAA").

Mr. Singleton stated that the Farm Bureau was one of several organizations he contacted regarding a potential partnership or sponsorship opportunity. The Farm Bureau indicated that it already utilizes its own trainers and preferred a narrower scope coordinated through existing channels. However, his concerns remain that the PWAA and related field level land conflicts are still not being comprehensively addressed through current multidisciplinary training programs. Other agencies have not responded back to his request. He inquired whether the Office would be able to assist in having those agencies respond back to him.

Mr. Bateman concurred that Mr. Singleton had thoroughly established that there is a problem. However, he questions whether or not training is the solution to that problem. From a jurisdictional standpoint, if somebody trespasses on his property, that issue is managed through the legal process. The Office only gets involved if it is the government actually trespassing on the property. The biggest hurdle at this point is that the agencies he has contacted have not responded, which may indicate that they are not interested in the training. The Office does not have the authority to force anyone to attend a training. For example, if the

Utah League of Cities and Towns were to request the training, the Board would consider the application. The jurisdiction of the Office would still need to be considered. Funding cannot be allocated for training based on a wish list of people who will attend. A commitment from an entity or group stating they want the training is necessary.

Mr. Singleton stated that participants could be realtors, title companies, city recorders, GIS professionals, surveyors and other professionals. Those he has spoken with are interested in knowing the laws.

Mr. Bateman advised that despite that interest in knowing the law, a commitment would still be needed that those professionals are willing to come to the training and want the training.

Mr. Bendt commented that the situation regarding public access is not just affecting Mr. Singleton's property, but properties all over the state as well. He expressed his disagreement with the Ombudsman advisory opinions and decisions made by both the Board and the Ombudsman's Office. He stated Mr. Singleton is proposing training and is asking why the request has to be by invitation, and as to why Mr. Singleton can't invite and provide instruction rather than obtain sponsorship from an organization.

Mr. Bateman stated Mr. Singleton can invite anybody he would like to. However, the Board must operate under the rules that determine how the funds can be administered and the jurisdiction of the Ombudsman's Office. It is agreed there is a problem, however the way to address trespassing is through a legal process, especially if it is private citizens. What is being proposed is training and training may not be the solution. If there was documentation that a group of people are supportive of the training and want the training, this would be a different discussion, but at this point, there is no indication of that in Mr. Singleton's application. Neither the Office nor the Board can force anybody to attend training, nor force anyone to comply with the law, but the courts can. If Mr. Singleton can find the right people to present, a place, a time, and that people are going to come, this discussion would be different with the exception of addressing the jurisdiction of the Office.

Mr. Lutz stated that Utah State University ("USU") is hosting a series of webinars on navigating Utah River Access. If Mr. Singleton and some of his partners were interested in attending those and using that information to determine if there is any overlap in what they are covering and potentially using that information to shape what might be additional revisions to his application. The first webinar is on May 20, 2026.

Mr. Singleton advised he had spoken with Jordan Smith, from USU, regarding the proposed training and Mr. Singleton's approach and invite to participate. He has not heard back from him. Other agencies expressed interest in having broader PWAA training, if it is developed within an established land use training framework, but were not willing to commit formally.

Mr. Bracken inquired if the training provided by USU was sufficient for Mr. Singleton's need.

Mr. Singleton advised it was not.

Mr. Terry advised that the webinars are part of USU's *Gateway Natural Amenity Region* initiative so it focuses more on tourism, recreation and the ways that ties into gateway

communities. It is primarily focused towards students or elected or appointed officials as their primary target audience.

Mr. Singleton advised his target audience would be realtors, recreational companies who have never heard of the PWAA before but should have some training.

Ms. Klundt stated that the Ombudsman's Office is not the mechanism used to encourage realtor education or continuing education. If realtors are part of his target audience, she encouraged him to go through the Division of Real Estate and become a licensed instructor with them. Any class he taught would go toward their continuing education for their license. She feels this is as close as the Board can get to mandating training. You can make the invitation, but the Board can't make them go. She has concerns that his application is not really what the training funds are for.

Mr. Singleton advised he was also a member of APA and inquired if they would be interested in know these issues. He is still waiting for a response from them.

Mr. Bateman advised that Mr. Singleton would have to have that conversation with APA and that APA also has minimum mandatory education requirements but that doesn't necessarily mean you can get people to attend his training.

Mr. Plehn commented that the purpose of the training fund is to respond to an interest that has been expressed for training on a reimbursement basis for something that has been essentially planned and at this time, Mr. Singleton is still in the process of finding an entity who is supportive of providing the training.

Mr. Drake indicated that according to the staff report, the application fails to address both the directives previously given by the Board to Mr. Singleton and fails to address or meet multiple factors.

MOTION: Clint Drake made a motion to deny Mr. Singleton's request for funding. Wade Budge seconded the motion. None opposed. Motion carries unanimously.

Mr. Bateman advised Mr. Singleton that he can come back to the Board with a refined application that addresses the directives previously given by the Board and in accordance with the discussion held in this meeting regarding his application.

ADJOURN:

MOTION: Brent Bateman made a motion to adjourn the meeting. None opposed. Meeting adjourned at 11:21 a.m.

Brent N. Bateman (Jul 15, 2026 12:27:45 MDT) **Date:** 07/15/2026

Brent Bateman, Chair