

# Daniel Town Hall Meeting

Monday, August 11, 2025, at 6:00 PM  
Wasatch County Senior Center  
465 E 1200 S, Heber City, Utah

**Town Council Members Present:** Mayor Scott Kohler, Councilmembers Gary Walton, Eric Bennett, and Robyn Pearson. Councilmember Jon Blotter was excused.

**Planning Commissioners Present:** Chair Gary Weight, Commissioners Byron Horner, Kipp Bangerter, Heber Taylor, Pam Skinner, Bridger Wilde. Commissioner TJ McGeean was excused.

**Others Present:** Planning Director Eric Bunker, Clerk/Recorder Merry Duggin, Deputy Clerk/Recorder Megan Goodrich to record the minutes, Ryan Taylor, Town consultant for roads and water systems.

**Members of the Public:** Debbe Woodbury, John Woodbury, Lynne Shindurling, Jaq Shindurling, Jason Clegg, Karl & Nancy Pope, Alese Overly, Susan Kohler, Kristi Weight, Russell Morgan, Keara & Greg Sardo, Chip Polvoorde, Gail Polvoorde, Christopher Polvoorde, Josh and Laurie Backus, Cody Mortensen, Jolene Munford, David & Emilee Hilton, Laurie and G. B, Jeff Besendorfer, Connie Kummer, Brooke Rose, Von & Kris Glasgow, J. Oswald, Melissa Gomez, Cecil & Shelly Willis, Shelly Bunker, Bret & Mona Webb, Jess & Emily Smith, Collin Rhodes & Daiquiri Larson, Kevan & Sherri Nilsson, Cindy Wilde, Jodi Taylor, Neil Cutler, Scott Long, Melanie North, Megan Phillips, Bangerter Family, Larry Huntington, RuthAnn Huntington, Rachel Larsen, Diana Horner, Norm Sperry, Pam Sperry, Darren Carlson, Stephanie Carlson, Larry K Ward, Kathy Davis, Ryan Simpson, Alicia Neff, Stephens, Steve and Betty Mair, Carolyn Clyde, Wendy Bangerter, Kim & Barbara Norris, Brad & Terry Fabrizio, Justin Goodrich

Mayor Kohler opened the meeting at 6 PM. He explained that the purpose of the meeting was to hear from the public regarding non-conforming lots. He asked that the public refrain from discussing anything not dedicated to non-conforming lots and to be respectful.

Gary Weight, Planning Commission Chair, addressed the public regarding non-conforming lots. Commissioner Weight defined the terminology surrounding the issue.

**Lot of record:** any lot whose description is recorded with the county and, at the time it was recorded, applied to all laws, regulations, and ordinances.

**Non-conforming lot of record:** a piece of land legally created prior to the adoption of current zoning ordinances but created to ordinances in effect at the time of creation.

**Subdivision:** dividing of land; this process must be recorded with the County and with proper signature.

**Metes and bounds:** describes a parcel.

**Non-conforming lot of record:** can still probably build on it, if you remodel or do an add-on, as long as it was created legally. Many of these lots were created before the current zoning laws.

**Illegal lot:** a lot or parcel that was not created in conformance with County or Town ordinance at the time the lot was recorded; this creates a tax parcel but not a legal lot.

Commissioner Weight noted that there are many non-conforming lots in the Town and that several were created before the County changed the Daniel area to an RA-5 zone. He said that the State Code deals with that and that lots or parcels that were created legally before the code change shall not be denied a building permit if they can comply with the current building codes. He also said that exceptions can be made for lots considered legally non-conforming.

Commissioner Weight stated that the burden of proof for determining a non-conforming lot of record rests upon the property owner or its representative. Daniel Town code must be followed.

Mayor Kohler emphasized that the Town is currently zoned RA-5 and that it will stay that way. The purpose of the meeting is to hear public comment and conversation regarding non-conforming lots. He invited the public to stand and state their comment.

**Scott Long:** Mr. Long questioned how many lots are non-conforming or illegal. Planner Bunker answered that there is no way to answer that question; the Town only knows of the lots it can see, and there may be some that the Town is not aware of. Once a person tries to build on it, it comes to the Town's attention.

Mr. Long: How many lots are non-conforming that are buildable? Planner Bunker: "We can't put a number on those lots." Planner Bunker wondered how the people of Daniel feel about that and re-stated that that is why the meeting is being held. He said that, currently, the code is one septic system per five acres.

Mr. Long: "I would love to keep Daniel the way Daniel it is. I moved here for the 5-acre minimum."

**Mona Webb** presented a written request for a variance to allow construction on a 2-acre piece of land at 168 W 3000 S, which currently houses a Quonset hut that has been in place since the 1960s. Ms. Webb's husband was recently paralyzed and would benefit from a one-level home. Ms. Webb stated that there are a number of properties in the same area that are under the 5-acre threshold, and a home on her property would be consistent with the surrounding development. Granting her a variance would provide the family and community support that Daniel is known for, and she asked that her request be considered with compassion.

**Kevan Nilsson:** Mr. Nilsson and his wife, Sherri, are owners of a farm on Big Hollow Road. Mr. Nilsson is not pleased with the increasing amounts of development seen in

Heber City and would like the Council to maintain the original laws that make Daniel a unique and great place to live.

**Joe Witt:** Mr. Witt questioned what the consensus of the plan for the existing lots was, whether they were formed legally or illegally, and what are the smaller lots expected to be in the Town. Commissioner Horner reminded Mr. Witt that the Council and Commission wanted to hear from the public and that, according to the code, nothing can be done about the smaller lots unless the code is changed. Mr. Witt would like everybody to come into compliance with the RA-5 code, and if someone doesn't have 5 acres, they should figure out how to get 5 acres. Commissioner Chair Weight stated that the County did not stay consistent over the years. Mr. Witt recommended a case-by-case basis to look at the lots around them and make a determination.

**Chip Polvoorde:** Mr. Polvoorde moved to Daniel 3 years ago because he liked the RA-5 zone and stated that if the Town were to rezone, it would look like Heber. Mr. Polvoorde would like the Town code to remain at RA-5, to stay more rural, and would like to try to combine properties to keep it at RA-5.

**Mike Duggin:** Mr. Duggin stated that non-conforming lots were a problem from the beginning of Daniel's incorporation. Mr. Duggin recommended that the Town form a commission to decide what to do with lots that don't comply. They should look at parcels with tax numbers at the time they were created as well as safety and preservation. The commission should put together a document and present it in a legislative session. It should be short, understandable, and defensible, and passed as a legislative act.

**Kristi Weight:** Ms. Weight suggested that the Town follow the law that was in force when a lot was created. She stated that at any time, a person could ask if a lot was legal or go back and see if it was legal at the time it was created. "I hope we get to keep Daniel."

**Alese Overly:** Ms. Overly stated that her family has lived in the valley for 5 years and has recently moved to Daniel. In that time, Ms. Overly has seen risks such as over-development and density creep in Heber and is worried about the potential negative impact that development would have on the Town, including septic and well damage. She would like to see the preservation of the Town's character such as frugality, simplicity, consideration of others, using the land for growing crops, using sagebrush as a barrier, and biodiversity in open lots. Ms. Overly would like to encourage the Council to meet the needs of non-conforming lot owners, but hopes that any zoning decision would be made with long-term community benefit, not short-term, isolated interests.

**Ryan Simpson:** Mr. Simpson lives on 3000 South and would like to get an idea of how many non-conforming lots there are in Daniel. Planner Bunker: probably around 30. Mr. Simpson does not want any more building, but points out that 2 lots down from his is a lot of the same size that is an illegal lot, and that those lots need to be considered.

**Christopher Polvoorde:** Mr. Polvoorde chose to move to Daniel because of the RA-5 zoning and does not want to see a lot of change. He questioned what the Town will do with the non-conforming lots and wondered if they could be turned into farm area.

**Jodi Taylor:** Ms. Taylor questioned that if the Town were to get a certain number of people or houses, it would no longer be considered a Town but rather a city. Mayor Kohler clarified that it depends on the population, not the number of houses, in a Town.

**Jerry Smith:** Mr. Smith moved to Daniel in 1978 and has enjoyed having 5 acres. He is worried about the water supply if there is more building. Mr. Smith would like to keep the RA-5 zoning and recommended making the extra lots into farm ground.

**Melanie North:** Ms. North explained her family history in Daniel: her grandfather bought his farm in Daniel in 1940, and the family still has a 47-acre farm. Ms. North has two lots that were divided in 1972 and 1977 and are 1.49 and 1.22 acres. Ms. North has built a home on one lot but saved the second lot for her children. She has researched back to 1943 and followed all regulations. When the lots were purchased, Ms. North was told that they would be buildable lots. They are deeded separately, and she pays separate taxes for each of them. Ms. North would like to know why she has not been granted a building permit when they were conformed lots when they were divided off. It was not RA-5 in the 70s. "People need to be able to live and need to be able to live by family."

**Larry Ward:** Mr. Ward has lived in Daniel for 51 years. He stated that some of the lots need to be looked at based on the time they were created.

**Stephanie Carlson:** Ms. Carlson lives on 3000 and Big Hollow and grew up in Daniel. Ms. Carlson agreed that this is a hard decision, but she would like the RA-5 zoning to stay the same and does not want any high-rise buildings or condos in the Town.

**Ryan Simpson:** Mr. Simpson asked the public if there was anybody who wanted the code changed from RA-5 and reminded the public that the subject of the meeting was not to change the code, but rather about the vacant, non-conforming lots. Mr. Simpson stated that he is not for any development.

Planner Bunker made the clarification between continued use and new use, and that the Town would not take away the use from anyone.

**Chip Polvoorde:** Mr. Polvoorde made a suggestion to Ms. Melanie North: Can you do a lot line adjustment? Ms. North stated that the lot was not in the same place and that she would have to subdivide the entire farm.

**Cecil Willis:** Mr. Willis lives on Little Sweden Road and stated that, when he built his house, he had to have 200 feet of frontage to qualify. Mr. Willis said that subdivided lots should have been recorded in the 1970s. "I want to leave it as is."

**Barbara Norris:** Ms. Norris stated that there is not enough information to form an opinion and would like to see more information regarding how many non-conforming lots are in the Town and how they are characterized.

**Jodi Taylor:** "Is there a way we can bring forward all the properties we are talking about?"

**Councilmember Gary Walton:** Mr. Walton was born and raised in the Daniel area and knows the history of how the Town was incorporated. First, Daniel became a Township, but the State legislature took away zoning from Townships, so Daniel started the process to become a Town. Once Daniel was a Town, they could do their own zoning, and they adopted what was already in place from Wasatch County. He stated that the County did a study in 1985-86 that determined the Town should be zoned RA-5 because of the wells and septic systems. He also stated that anyone who had a building lot had an opportunity before 1986 to go to the County and apply to have a buildable lot to become conforming or to get a lot of record.

**Kim Norris:** Mr. Norris lives on Teancum Road. He would like to get a committee together with the purpose of letting others approach the committee to give the history and individual points regarding their lot. That committee could then go to the Planning Commission, who can write code that speaks to the situation without messing up the whole system.

**Scott Long:** Mr. Long spoke to the frustration of those who are not able to build on their lots. He urged them to find workarounds that would bring them into compliance.

Commission Chair Gary Weight stated that the real solution is to go back and research records that prove that a lot was created legally.

Planner Bunker stated that every lot has separate issues and that there are no two lots the same. He reminded the public that the Planning Commission has to follow the code and that if a lot does not have continued use, the owner would have to reapply and need to comply with the current code.

Mayor Kohler adjourned the meeting at 7:48 PM.

*Megan Goodrich*

Megan Goodrich  
Deputy Clerk/Recorder