

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 15, 2025, IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Jay Thomas, Tom Hollingsworth, John Roberts, Trish Hatch, Ammon Allen, and Jimmy Anderson (remotely). Emily Gonzalez was excused.

**STAFF:** Scott Langford, Megan Jensen, Duncan Murray, Alan Anderson, Mike Jensen, Julie Davis

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The briefing meeting was called to order by Jay Thomas with a quorum present. The agenda was reviewed and clarifying questions were answered. Training on real property rights was provided by Duncan Murray.

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The regular meeting was called to order at 6:00 p.m. with a quorum present.

**Pledge of Allegiance**

**1. Approve Minutes of July 1, 2025**

**MOTION:** Ammon Allen moved to approve the Minutes of July 1, 2025. The motion was seconded by John Roberts and passed 6-0 in favor. Emily Gonzalez was absent.

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**2. Aligned Energy Transmission Line; 6600 West from Wells Park Road to 9800 South; Amended Conditional Use Permit granted on November 19, 2024, relocating the transmission line along 6600 West to the public right-of-way; Aligned Data Centers/Cardell Andrews (applicant) [#34762]**

Commissioner Anderson stated for that record that he was abstaining from the issue because Novva, which had taken a public position on the issue, is a client of his firm.

Christopher Coughlin, Aligned Data Centers, said they have come to an impasse on a section of the approved alignment that was to be on private property. They have been working with the Public Works department to come up with a plan to go in the city right-of-way. He said the application meets all standards for approval.

Megan Jensen said the original conditional use permit was approved in November 2024. The request is to change the location of the transmission line along 6600 West from private property on the west side of the road to the public right-of-way on the east side within a landscaped area that is about 10 feet wide. A waterline is currently located within that section of right-of-way, so the Public Utilities and Public Works departments have agreed on a plan for the applicant to move the waterline and the sewer line to meet state code and utility requirements, which the applicant has agreed to.

Staff recommended that the Planning Commission approve the Amended Conditional Use Permit for the Aligned Energy Transmission Line, located approximately at 6600 West from Wells Park Road to 9800 South with the condition of approval listed in the staff report.

Condition of Approval

1. The developer shall gain approval from the City Utilities and Public Works Engineering Departments on a relocation plan for the 12-inch waterline and sanitary sewer line within 6600 West. The relocation of these lines and associated work shall be at the expense of the developer.

Ammon Allen noted that the public right-of-way is narrower than some of the surrounding roads. He asked if the Utilities department was okay with the limited width and are confident that the city won't have need for the area where the poles are.

Megan Jensen said there was not a problem with relocating the lines and they do not see an issue with the poles themselves being in the landscaping.

Ammon Allen asked if the city had the authority to make them relocate the power lines in the future if we need that area.

Duncan Murray said probably not. Unless it was voluntary or an arrangement worked out, he did not see them being moved. If this is approved and the condition to relocate the utilities, then we would consider that a permanent arrangement. Unless it was at the behest or with the approval of the other parties.

Ammon Allen asked why this location was not pursued originally, probably being the less expensive of the two options. Also, he did not entirely understand the concern that was emailed to them from Novva since the lines will still be along the same road.

Megan Jensen said she was not entirely sure, but relocating the city utilities will be expensive.

Trish Hatch was concerned with the point that was raised that it would be difficult to move the poles in the future, if needed. The city seems to be seeing problems now from decisions that were made in the past that were not well thought out. She said this might be creating a headache down the road once more growth comes to the area.

Tom Hollingsworth asked if any other utilities will be impacted when the water and sewer lines are moved.

Megan Jensen explained that relocation of the waterline will impact the current location of the sewer line, which will also have to be moved. The applicant is addressing the impact by moving the two lines. She explained the proposed locations.

Jay Thomas opened the public hearing.

Chandler Swenson, Novva Data Centers, referred to his written email that was submitted to the Commission and said the statement about the new state law that allows for alternate paths to transmit power is because Novva is planning to expand on the west side of the 6600 West. The reason they have been at an impasse with Aligned on coming to an agreement on a private easement is that they need more time to engineer what that pathway looks like. If they are going down 6600 West they will need time to work through engineering with the utility provider to make sure the poles are big enough to accommodate

both users. Another option is to cross 6600 West going east and west, which they would do privately, but the proposed poles will encumber their ability to do that. This size of utility improvement will only happen once. By not allowing them to make sure the poles are compatible with what Novva wants to do in the future is limiting them to their current box and preventing their expansion. Mr. Swenson said their expansion to the west side of 6600 West is estimated to generate \$1 million each month in revenue to the city through state taxes on utilities. He referenced West Jordan Code Title 13-7E that says in order to approve a conditional use permit it must not unreasonably interfere with the lawful use of properties within the vicinity that cannot be mitigated with reasonable conditions. They do not believe there are reasonable conditions that can mitigate for them to get power from one spot to the other without a better look at cooperative and coordinated engineering for what the power poles will support now and in the future.

Further public comment was closed at this point for this item.

Commissioner Allen asked the applicant to speak on timing of the request or any other responses.

Christopher Coughlin said in November they were in discussions with the private owner of the property to the west with expectations that they would receive a private easement, but that is no longer part of the negotiations and is why they had to move from that land that they understood was no longer available. If they had other information to contradict that, then they would be in discussion with the private property owner or the future owners of the property. They have been working with the city and public works and from an engineering perspective, this will meet all of the standards in the state code.

Ammon Allen noted that power poles can usually be used for other lines once they are installed. He asked if their entity would own the poles and how they would regulate colocations.

Christopher Coughlin said Rocky Mountain Power will own the poles and would be the benefactor of the right-of-way permit. It would be the prerogative of Rocky Mountain Power to serve other customers with the lines or whether to have additional infrastructure on the poles. The pole would probably be engineered with some limitations.

There was a brief explanation of why the application needed Planning Commission approval even though the lines are ultimately going to be owned by Rocky Mountain Power, which has the right to be in the public right-of-way. The use is classified as a Major Utility, which requires a conditional use permit regardless of who the applicant is. Once they are installed, the lines become part of Rocky Mountain Power's system and will meet all requirements.

Trish Hatch referred to the public comment about determination #6 and asked what research had been done to determine that this will not interfere with the rights of other properties.

Megan Jensen said this was the first time staff had heard that argument as it was not mentioned at the original hearing. The findings are based on information and comments brought to staff, visiting the site, and reviewing other records and the site plans. She did not speak to the surrounding property owners.

Ammon Allen said if someone owns two pieces of property separated by a road, it is not up to the Commission to say they can drive across a public road to get from one property to the other. On the other hand, they received a public comment saying the other property owner is willing and interested in

engaging on the issue, but they need additional time. He stated that it would be difficult for him to approve the application knowing that negotiations could still be on the table.

John Roberts said it sounded to him like Aligned was initially negotiating with the property owner on the west side of the street and then Novva entered into a contract and the negotiation fell apart. Now it sounds like Novva is incentivized to resume negotiations. The Commission does not have the authority to interfere in that matter, but they could shelve this request and let negotiations proceed. Then Aligned can either come back and get this approved or maybe something that is mutually beneficial could be worked out.

There was a discussion regarding timing for tabling the item and allowing for further negotiations so that a better outcome could be presented. The September 2<sup>nd</sup> meeting would extend beyond 45 days from today.

Christopher Coughlin stated that Aligned wants to be a friendly neighbor with everyone and in the interest of collaboration he understood what the Commission was contemplating. He reiterated that prior to hearing it at the podium tonight, he had no indication that there were other options. He wanted to be sure that if they accepted a continuance beyond 45 days they are not surrendering any rights. He accepted the continuation to September 2<sup>nd</sup> at which time they will either come back with an amended application, withdraw this application, or proceed with this application as presented.

Duncan Murray responded to the question of reopening the public hearing or only taking an action, and said it is probably best to keep the hearing open in case there are other issues or facts that can be presented. He also mentioned that Determination 6 was addressed in the staff report.

**MOTION: Ammon Allen moved to table the public hearing for the amended conditional use permit for Aligned Energy Transmission Line to September 2, 2025. The motion was seconded by John Roberts and passed 5-0 in favor. Jimmy Anderson abstained from the vote and Emily Gonzalez was absent.**

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**3. Text Amendment – External Accessory Dwelling Units; Recommendation to the City Council to Amend the West Jordan City Code Title 13-5B-8 Accessory Dwelling Units - Permitting External ADU's on all single family platted residential lots 10,000 square feet or larger and modifying setbacks for consistency; city-wide applicability; West Jordan City Council (applicant)**

Alan Anderson, Council Director, gave an overview of the amendment that came about after City Council discussion at their Committee of the Whole meeting. He reviewed the current code that only allows EADUs in certain zones. However, some lots that are in a zone that does not currently support EADUs may have 10,000 square feet. A majority of the Council supported allowing them on lots in the R-1, RR, RE, and P-C zones that have 10,000 square feet or larger. The other part of the amendment deals with the setbacks. The Council proposed six feet from any other structure (as required by the building and fire codes without a fire wall), six feet from rear and side property lines, and 20 feet from a corner side. A provision that if the structure is taller than 17 feet, the rear yard setback will increase by one foot for every foot over 17 feet.

Tom Hollingsworth asked if the code takes into consideration the size of the main structure and any other structures on the property.

Scott Langford referred to the lot and bulk standards chart in the code that also lists total lot coverage and a restriction of no more than 20% of the yard where it is located. Those numbers are all reviewed with the building permit.

John Roberts asked if there was a benefit for having the 10,000 square foot minimum instead of just applying the lot and bulk standards.

Alan Anderson stated that was not a topic with the City Council, but they felt that 10,000 square feet would provide adequate space for the EADU.

There was a discussion regarding a concern from Commissioner Hatch that a six-foot rear yard setback for a dwelling was very close to neighboring properties. The Council felt that six feet was consistent with what is required for an external garage or large shed. Other suggestions included requiring opaque windows, which had been discussed by the Council, but it was not included in the amendment. Six feet was also consistent with the building and fire codes without requiring additional construction measures and cost. Fire safety was discussed.

Alan Anderson understood that six feet is close for a backyard, but the City Council wanted to be able to allow more EADUs to be built for family members.

Trish Hatch said she was in favor of allowing them, she just wanted to look for those issues that can be mitigated now to prevent potential problems in the future.

Ammon Allen hoped that the City Council would listen to the dialogue and to their concerns. He also had concerns with a six foot setback for a dwelling, which is different than what is required for the primary home. He thought that at a minimum it should have the same side yard setbacks as the primary home. He also wanted them to strongly consider public utility easements that are sometimes wider than six feet and what would happen by allowing these structures within them.

Jay Thomas opened the public hearing.

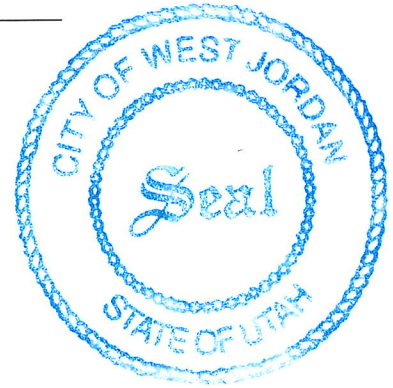
Further public comment was closed at this point for this item.

**MOTION: Trish Hatch moved, based on the analysis and findings contained in the staff report, to forward a positive recommendation to the City Council for the Text Amendment regarding External Accessory Dwelling Units as presented in the staff report. The motion was seconded by Tom Hollingsworth and passed 6-0 in favor. Emily Gonzalez was absent.**

**MOTION: John Roberts moved to adjourn.**

The meeting was adjourned at 6:56 p.m.

  
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TRISH HATCH  
Vice Chair



ATTEST:



JULIE DAVIS  
Executive Assistant  
Community Development Department

Approved this 5<sup>th</sup> day of August, 2025