

**CITY COUNCIL DECISION
SHORT PLAT APPROVAL
Highbank and Marlatt Manor Subdivisions**

Advantage Plus Credit Union, as Applicant and Owner, and represented by Josh Ball of Connect Engineering, submitted two separate short plat applications to subdivide approximately 3.57 acres of parcels RPCPP127701 and RPCPP127507 into eight (8) lots. The property is generally located on Johnny Creek Road north of Advantage Plus Credit Union at 3415 Johnny Creek Road and is more particularly described on the attached Exhibit “A”. Parcel RPCPP127701 is split between Residential Low Density (RL) and Residential Commercial Professional (RCP) zoning districts. Parcel RPCPP127507 is zoned Residential Low Density (RL).

This matter came before City Council at its regularly scheduled meeting September 17, 2026, whereat the City Council approved the plats for Highbank and Marlatt Manor subdivisions and authorized City staff to sign the plat, subject to the following conditions:

1. All conditions on the Short Plat Subdivision Application Staff Report attached hereto as Exhibit “B”, and incorporated herein, shall be met.
2. The plat shall be prepared in accordance with all State and local laws and ordinances and is subject to review by the City Surveyor.
3. All other standards and conditions of Municipal Code not herein stated but applicable to residential development shall apply.

Notice is hereby given that applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

DATED this ____ day of _____, 2026.

Approved as to form and content

CITY OF POCA TELLO, a municipal
corporation of Idaho

JARED JOHNSON, City Attorney

MARK DAHLQUIST, Mayor

ATTEST:

KONNI KENDELL, City Clerk

STATE OF IDAHO)
)
) ss:
County of Bannock)

On this _____ day of _____, 2026, before me, the undersigned, a Notary Public for the State, personally appeared Mark Dahlquist and Konni Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

EXHIBIT A

HIGHBANK SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER SECTION OF SECTION 12 TOWNSHIP 7 SOUTH, RANGE 34 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, STATE OF IDAHO.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M. (FROM WHICH THE NORTHEAST CORNER BEARS S 89°46'24" E 2629.97 FEET). THENCE S 89°46'24" E 403.00 FEET ALONG THE NORTH LINE OF SAID SECTION 12 TO NORTHEAST CORNER OF BROOKSIDE BLUFF SUBDIVISION RECORDED IN THE COUNTY OF BANNOCK AS INSTRUMENT No. 20226080. THENCE S 01°30'23" E 205.59 FEET ALONG THE EAST BOUNDARY OF SAID BROOKSIDE BLUFF SUBDIVISION TO THE SOUTHEAST CORNER OF SAID BROOKSIDE BLUFF ALSO BEING THE POINT OF BEGINNING;

THENCE N 90°00'00" W 408.55 FEET ALONG THE SOUTH BOUNDARY OF SAID BROOKSIDE BLUFF SUBDIVISION TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SHALE DRIVE;

THENCE S 00°02'34" W 150.44 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SHALE DRIVE TO THE NORTHWEST CORNER OF LAND DESCRIBED IN DEED INSTRUMENT No. 723052, THENCE ALONG SAID NORTHEASTERLY BOUNDARY OF LANDS DESCRIBED IN SAID DEED FOR THE FOLLOWING FIVE (5) COURSES:

- 1) THENCE S 89°51'26" E 53.36 FEET;
- 2) THENCE S 00°17'48" W 58.12 FEET;
- 3) THENCE S 84°28'34" E 129.90 FEET;
- 4) THENCE S 05°53'15" E 137.41 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF JOHNNY CREEK ROAD;

THENCE N 45°02'50" E 99.93 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF JOHNNY CREEK ROAD;

THENCE N 59°39'49" E 170.08 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF JOHNNY CREEK ROAD TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN DEED INSTRUMENT No. 20614284;

THENCE N 01°30'23" W 201.45 FEET ALONG THE WEST BOUNDARY OF SAID DEED TO THE POINT OF BEGINNING;

SAID PROPERTY CONTAINS 2.249 ACRES MORE OR LESS.

MARLATT MANOR SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER SECTION OF SECTION 12 TOWNSHIP 7 SOUTH, RANGE 34 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, STATE OF IDAHO.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, B.M. (FROM WHICH THE NORTHEAST CORNER BEARS S 89°46'24" E 2629.97 FEET) THENCE S 89°46'24" E 403.00 FEET ALONG THE NORTH LINE OF SAID SECTION 12 TO NORTHEAST CORNER OF BROOKSIDE BLUFF SUBDIVISION RECORDED IN THE COUNTY OF BANNOCK AS INSTRUMENT No. 20226080 ALSO BEING THE POINT OF BEGINNING;

THENCE S 89°46'24" E 159.77 FEET ALONG THE NORTH LINE OF SAID SECTION 12 TO THE NORTHWEST CORNER OF DEED INSTRUMENT No. 20602090;

THENCE S 01°30'23" E 314.30 FEET ALONG THE WEST BOUNDARY OF SAID DEED TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF JOHNNY CREEK ROAD;

THENCE S 59°39'49" W 182.29 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF JOHNNY CREEK ROAD TO A POINT ON THE SOUTH BOUNDARY OF LANDS DESCRIBED IN DEED INSTRUMENT No. 20614284;

THENCE N 01°30'23" W 407 .03 FEET THROUGH LANDS DESCRIBED IN SAID DEED AND ALONG THE EAST BOUNDARY OF BROOKSIDE BLUFF SUBDIVISION TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 1.322 ACRES MORE OR LESS

**CITY COUNCIL DECISION
FINAL PLAT APPROVAL
NORTHGATE RIDGE DIVISION 1**

Northgate Ridge, LLC, as Applicant and represented by Creek Hollow & Associates, Inc., submitted a request to subdivide approximately 19.374 acres of land, generally located east of Olympus Drive and Portneuf Medical Urgent Care and more particularly described on the attached Exhibit “A”, into one hundred nine (109) residential lots and one (1) common lot, which are located within a Residential/Commercial Professional (RCP) zoning district.

This matter came before City Council at its regularly scheduled meeting on September 17, 2026, whereat the City Council approved the plat for Northgate Ridge Division 1 and authorized City staff to sign the plat, subject to the following conditions:

1. All standards and conditions of Pocatello Municipal Code applicable to the subdivision shall apply.

Notice is hereby given that applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

DATED this ____ day of _____, 2026.

Approved as to form and content

CITY OF POCA TELLO, a municipal
corporation of Idaho

JARED JOHNSON, City Attorney

MARK DAHLQUIST, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO)
)
) ss:
County of Bannock)

On this _____ day of _____, 2026, before me, the undersigned, a Notary Public for the State, personally appeared Mark Dahlquist and Konni R. Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BEING MARKED BY A 5/8" REBAR WITH AN ALUMINUM CAP AS SHOWN ON CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21808353, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 1, NORTH 89°54'37" WEST 402.29 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLYMPUS DRIVE AS SHOWN ON RIGHT-OF-WAY PLAT, INSTRUMENT NO. 21919289; THENCE ALONG SAID EAST LINE, NORTH 00°57'32" EAST 150.02 FEET TO THE NORTH LINE OF WARRANTY DEED, INSTRUMENT NO. 22600530; THENCE ALONG SAID NORTH LINE, SOUTH 89°54'37" EAST 1822.01 FEET; THENCE SOUTH 00°05'23" WEST 150.00 FEET TO SAID LATITUDINAL CENTERLINE OF SECTION 1; THENCE ALONG SAID LATITUDINAL CENTERLINE, NORTH 89°54'37" WEST 17.50 FEET; THENCE SOUTH 00°00'00" EAST 380.45 FEET; THENCE SOUTH 45°00'00" EAST 35.36 FEET; THENCE NORTH 90°00'00" EAST 462.67 FEET; THENCE SOUTH 00°00'00" EAST 75.00 FEET; THENCE SOUTH 69°21'22" WEST 42.55 FEET; THENCE SOUTH 00°01'03" EAST 79.50 FEET; THENCE NORTH 90°00'00" WEST 5.55 FEET TO A POINT OF NON-TANGENCY WITH A 961.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 88°16'50" EAST; THENCE SOUTHEASTERLY 163.04 FEET ALONG THE ARC OF SAID 961.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 09°43'14" AND A LONG CHORD THAT BEARS SOUTH 06°34'47" EAST 162.84 FEET; THENCE SOUTH 11°26'24" EAST 38.30 FEET; THENCE SOUTH 26°50'15" EAST 14.90 FEET; THENCE SOUTH 20°40'23" EAST 13.31 FEET; THENCE SOUTH 11°26'24" EAST 62.00 FEET TO THE SOUTHERLY LINE OF WARRANTY DEEDS, INSTRUMENT NO. 22600530, 26600531, AND 22101351; THENCE ALONG SAID SOUTH LINE, SOUTH 78°33'36" WEST 1975.35 FEET; THENCE SOUTH 79°06'07" WEST 266.15 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLYMPUS DRIVE AS SHOWN ON RIGHT-OF-WAY PLAT, INSTRUMENT NO. 21919289, TO A POINT OF NON-TANGENCY WITH A 2050.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 57°41'56" WEST; THENCE NORTHWESTERLY 81.83 FEET ALONG THE ARC OF SAID 2050.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 02°17'13" AND A LONG CHORD THAT BEARS NORTH 33°26'40" WEST 81.82 FEET TO A POINT OF REVERSE CURVATURE WITH A 950.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 55°24'43" EAST; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTHWESTERLY 15.33 FEET ALONG THE ARC OF SAID 950.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°55'28" AND A LONG CHORD THAT BEARS NORTH 34°07'33" WEST 15.33 FEET; THENCE SOUTH 77°04'16" EAST 36.70 FEET; THENCE SOUTH 60°09'02" WEST 13.61 FEET TO A POINT OF TANGENCY WITH A 287.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS

BEARS SOUTH 29°50'58" EAST; THENCE NORTHEASTERLY 119.41 FEET ALONG THE ARC OF SAID 287.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 23°47'50" AND A LONG CHORD THAT BEARS NORTH 72°02'57" EAST 118.55 FEET; THENCE NORTH 83°56'52" EAST 192.49 FEET TO A POINT OF TANGENCY WITH A 462.50 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST OF WHICH RADIUS BEARS NORTH 06°03'08" WEST; THENCE NORTHEASTERLY 43.49 FEET ALONG THE ARC OF SAID 462.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°23'16" AND A LONG CHORD THAT BEARS NORTH 81°15'14" EAST 43.47 FEET; THENCE NORTH 78°33'36" EAST 213.49 FEET TO A POINT OF TANGENCY WITH A 462.50 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST OF WHICH RADIUS BEARS NORTH 11°26'24" WEST; THENCE NORTHEASTERLY 198.50 FEET ALONG THE ARC OF SAID 462.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 24°35'27" AND A LONG CHORD THAT BEARS NORTH 66°15'53" EAST 196.98 FEET; THENCE NORTH 53°58'09" EAST 135.20 FEET TO A POINT OF TANGENCY WITH A 537.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS BEARS SOUTH 36°01'51" EAST; THENCE NORTHEASTERLY 230.69 FEET ALONG THE ARC OF SAID 537.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 24°35'27" AND A LONG CHORD THAT BEARS NORTH 66°15'53" EAST 228.92 FEET; THENCE NORTH 78°33'36" EAST 418.59 FEET TO A POINT OF TANGENCY WITH A 212.50 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST OF WHICH RADIUS BEARS NORTH 11°26'24" WEST; THENCE NORTHEASTERLY 291.37 FEET ALONG THE ARC OF SAID 212.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 78°33'36" AND A LONG CHORD THAT BEARS NORTH 39°16'48" EAST 269.07 FEET; THENCE NORTH 00°00'00" WEST 575.43 FEET TO SAID LATITUDINAL CENTERLINE OF SECTION 1; THENCE ALONG SAID LATITUDINAL CENTERLINE, NORTH 89°54'37" WEST 1329.49 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 19.374 ACRES.

**CITY COUNCIL DECISION
RECONSIDERATION REQUEST FOR CONDITIONAL USE PERMIT
DATA CENTER**

APPLICANT: Lex Developments, LLC
3868 South Lindsay Road
Gilbert, AZ 85297

OWNER AT TIME OF APPLICATION: Portneuf Capital, LLC

LOCATION OF REQUEST: 1800 River Park Way, Pocatello, Idaho

NATURE OF REQUEST: Reconsideration of the City Council's decision affirming the Hearing Examiner's denial of an application for a Conditional Use Permit (CUP) to construct a data center at the subject location.

POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS

1. The Applicant applied for a CUP to develop approximately 59 acres of land generally located at 1800 River Park Way, Pocatello, Idaho, into an AI data center. The property is located within the Industrial (I) zoning district.
2. On May 14, 2026, the Hearing Examiner held a public hearing on the application.
3. On May 18, 2026, the Hearing Examiner issued Findings of Fact and Decision denying the application, finding compliance with PMC 17.02.130.D1, D2, D3, and D5, and noncompliance with D4, D6, and D7. On May 19, 2026, the Hearing Examiner issued Amended Findings of Fact and Decision correcting a clerical discrepancy and again denying the application on the same grounds.
4. On June 1, 2026, City staff received the Applicant's Notice of Appeal.
5. On July 16, 2026, the City Council considered the appeal and voted four (4) to one (1) to affirm the Hearing Examiner's decision.

6. On July 29, 2026, the City received the Applicant's Request for Reconsideration.
7. On August 6, 2026, the City Council adopted its written Decision affirming the Hearing Examiner's decision.
8. On August 18, 2026, the City received the Applicant's Supplemental Request for Reconsideration.
9. On September 17, 2026, the City Council considered the Request for Reconsideration and the Supplemental Request for Reconsideration.
10. The City Council voted three (3) to two (2) to affirm its decision on appeal affirming the Hearing Examiner's denial of the application. The City Council also voted three (3) to two (2) to waive the twelve (12) month waiting period for reapplication.

REASONED STATEMENT

The City Council has considered the Request for Reconsideration, the Supplemental Request for Reconsideration, and the record as a whole. Based on that review, the City Council affirms its decision on appeal affirming the Hearing Examiner's denial of CUP26-00003.

The City Council adopts the Hearing Examiner's Amended Findings of Fact and Decision in their entirety as the findings, conclusions, and reasoned statement of the City Council. The City Council agrees with the Hearing Examiner that the application complies with PMC 17.02.130.D1, D2, D3, and D5, and does not comply with PMC 17.02.130.D4, D6, and D7, for the reasons stated by the Hearing Examiner. This Decision rests on the Hearing Examiner's findings and reasoning.

The City Council has considered each ground raised in the Request for Reconsideration and the Supplemental Request for Reconsideration and finds that none warrants reversal of the Hearing Examiner's decision. To the extent the Requests seek reversal of the decision, approval of the Conditional Use Permit, or any other relief not granted in this Decision, they are denied.

This Decision on Reconsideration is the City Council's final decision on the Applicant's appeal. It supersedes and replaces in its entirety the City Council Decision adopted August 6, 2026.

The City Council waives the twelve (12) month waiting period under PMC 17.02.130.J. The Applicant may submit a new application for a Conditional Use Permit for the property without waiting twelve months from the date of denial. Any new application will be treated as a new application, subject to all requirements of Title 17 in effect when it is filed, and will be decided on its own record. This waiver does not alter the denial of CUP26-00003.

POCATELLO CITY COUNCIL DECISION ON RECONSIDERATION

After considering the above Findings of Fact and Reasoned Statement, the Pocatello City Council hereby:

1. Affirms its decision on appeal and affirms the Hearing Examiner's denial of CUP26-00003;

2. Adopts the Hearing Examiner's Amended Findings of Fact and Decision as its own;
3. Waives the twelve (12) month waiting period under PMC 17.02.130.J; and
4. Declares that this Decision on Reconsideration is the City Council's final decision and supersedes and replaces the City Council Decision adopted August 6, 2026.

DATED this ____ day of _____, 2026.

APPROVED AS TO FORM AND CONTENT

CITY OF POCA TELLO, a municipal
corporation of Idaho

JARED JOHNSON, City Attorney

MARK DAHLQUIST, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO)
 ss:
County of Bannock)

On this ____ day of _____, 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Mark Dahlquist and Konni R. Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
Commission Expires: _____