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**CITY COUNCIL DECISION
CONDITIONAL USE PERMIT APPEAL
DATA CENTER**

APPLICANT: Gus Shultz

OWNER: Portneuf Capital, LLC
2500 South 5th Ave.
Pocatello, ID 83204

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

NATURE OF REQUEST: Applicant submitted an appeal of the Hearing Examiner's decision denying an application for a Conditional Use Permit (CUP) to construct a data center at the subject location

A Public Hearing was held on May 14, 2026, before the Hearing Examiner to consider the Applicant's proposal to develop approximately 59 acres of land generally located at 1800 River Park Way, Pocatello, Idaho into a data center. At the hearing, the Hearing Examiner heard testimony from the Applicant, who provided an overview of the project and request. Staff followed with a detailed presentation and testimony from the public was heard. Thereafter, the Hearing Examiner set out findings and made a decision denying the CUP, finding the application did not meet the standards for approval under Pocatello Municipal Code (PMC) 17.02.130.D.

On June 1, 2026, City staff received the Applicant's Notice of Appeal of the Hearing Examiner's decision, submitted through counsel by email and certified mail.

POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS

1. Gus Shultz, on behalf of Portneuf Capital, LLC, submitted a CUP application for 1800 River Park Way, Pocatello, Idaho.
2. The property is located within the Industrial (I) zoning district.
3. On May 14, 2026, the Planning Director issued a written interpretation under PMC §§ 17.02.180 and 17.01.160.C concluding that a data center is not an expressly listed use and is functionally similar in character to listed industrial and infrastructure-related uses,

- including light industrial, research and development, and basic utilities. The proposed use was then reviewed through the conditional use permit process under PMC § 17.02.130.
4. On May 14, 2026, the Hearing Examiner held a public hearing on the CUP application. More than 120 written comments had been received by the time the hearing closed, and more than 90 public comments were heard during the hearing itself, including from the Applicant.
 5. 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.
 6. 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. The Amended Findings were recorded as Instrument No. 22605992 with Bannock County.
 7. On June 1, 2026, City staff received the Applicant's Notice of Appeal. The appeal contends that the matter should have proceeded by interpretation under PMC § 17.01.160.C rather than by conditional use permit and that the required interpretation findings were never made, that entitlements tied to a prior approval for the property excused CUP review, and that the denial was arbitrary and capricious and should instead have been an approval with conditions.
 8. On June 30, 2026, notice of the appeal was posted on the subject property and published in the Idaho State Journal. Property owners within three hundred (300) feet of the subject property's external boundaries were provided notice of the appeal hearing.
 9. On July 16, 2026, the City Council considered the Applicant's appeal of the Hearing Examiner's Decision of CUP 26-003. The Mayor and each Councilmember disclosed ex parte communications before considering the appeal and confirmed their ability to make an impartial decision. No party objected.
 10. During the reconsideration meeting, staff explained that the City Council was being asked to consider only the issues raised in the appeal, that the proceeding was not a public hearing, and that the Council would receive no new evidence.
 11. The City Council reviewed the record as a whole including the application, the staff report, the written interpretation, the agency and public comments, the hearing testimony, the Hearing Examiner's Amended Findings of Fact and Decision, and the Notice of Appeal. That a particular document or argument was not discussed separately at the meeting does not mean it was not considered.
 12. After discussion, the City Council moved to affirm the Hearing Examiner's Decision of CUP 26-003 on the basis that the Hearing Examiner met the requirements of the CUP process and that, while the application included some general information about data centers, important and specific questions material to the application remained unanswered.
 13. The motion to affirm carried by a vote of four (4) in favor and one (1) opposed.

REASONED STATEMENT

An appeal of this kind does not involve a new hearing or new evidence. The City Council's task is to review the record already built before the Hearing Examiner, which includes the application, the staff report, the written interpretation, the agency and public comments, the

hearing testimony, and the Hearing Examiner's written decision, along with the appeal itself. The City Council reviewed that record as a whole, consistent with the standard Idaho Code § 67-6535(3) directs courts to apply to these proceedings. Not every document or argument was singled out for discussion at the July 16, 2026 meeting, but that silence doesn't mean it went unconsidered. The findings and reasoning below draw on the full record, not only on what was said aloud that night. The appeal points to matters outside that record, such as how the City has handled other projects elsewhere, and the City Council has not relied on those matters. A decision on this application has to rest on the record of this application.

The City Council agrees with the Hearing Examiner on the merits, for a straightforward reason: the City was being asked to approve a project whose basic dimensions were not yet known. A conditional use permit requires findings that the project can be served by public facilities without harm to public health and safety (criterion D4), that it will not affect the environment to a greater degree than a use already allowed in the district (criterion D6), and that it will not be detrimental to the public given its size, design, and operation (criterion D7). The Hearing Examiner found the application came up short on all three, and the record supports that. The City's own Water Pollution Control Division asked how much wastewater the facility would produce, whether pretreatment would be needed, and whether it would discharge chemicals, and received no answers. Idaho Power reported that its review so far was limited to a preliminary engineering analysis, that further study would be needed to pin down the infrastructure and generation resources involved, and that costs and timeline still had to be worked out. The Applicant testified at the hearing that the power study with Idaho Power was not finished, that the facility's size would be dictated by whatever power capacity that study identified, and that water use would depend on the results of the power and gas studies. A use built around water, wastewater, and power impacts cannot be found to satisfy criteria aimed at exactly those impacts when the size of those impacts is still unknown. The City Council adopts the Hearing Examiner's findings on D4, D6, and D7 on this basis, and reaches the same conclusion independently on this record. Those findings also spell out, in the Hearing Examiner's own words, what a future application at this site would need to show to succeed: wastewater discharge quantities, whether pretreatment systems are needed, potential chemical discharge, water demand calculations, long-term electrical infrastructure requirements, and the project's environmental impacts on emissions, water utilization, and wastewater discharge. Nothing in this decision closes the door on an application that comes back with that information.

The Applicant argues the Hearing Examiner's decision was too conclusory to satisfy the reasoned statement requirement of Idaho Code § 67-6535(2). The City Council disagrees. The Hearing Examiner did not simply recite that the criteria were unmet. The Hearing Examiner identified, criterion by criterion, exactly what information the record was missing, and the discussion above bears that out. This decision likewise states, in the City's own words and tied to specific record evidence, the standards applied, the facts relied on, and why those facts fall short on D4, D6, and D7.

The Applicant also points out that the Hearing Examiner disclosed a site visit and a review of the property on a mapping service, arguing this took them outside the record. It did not. The visit was disclosed on the record, for the stated purpose of observing the physical character of the property and surrounding area. Nothing in the denial depends on anything they saw there. The deficiencies rest on the application, the agency comments, and the Applicant's

own hearing testimony. This decision rests on that same evidence and would come out the same way regardless of the site visit.

The Applicant further argues the City took the wrong path from the start. The Applicant's position is that a data center, not being a listed use, should have been handled by the Planning Director under PMC § 17.01.160.C, with findings on the four matters that section lists, and should have been determined to be an allowed use requiring no conditional use permit. The City Council does not decide whether the written interpretation of May 14, 2026 satisfied PMC § 17.01.160.C.3, or whether a conditional use permit was substantively required for this use. The appeal can be resolved without reaching either question.

The Applicant's argument also assumes that classification under PMC § 17.01.160.C could only have produced a use allowed without a permit. The code does not read that way. PMC § 17.03.500.A.1 provides that a use not listed as a permitted use may be held to be a similar unlisted use under § 17.01.160, and § 17.03.500.A.3 provides that a use not listed as a conditional use may likewise be held to be a similar use under that section. Classification of an unlisted use can therefore result in either treatment, and review through the conditional use permit process is among the outcomes the code contemplates.

There are three reasons the outcome does not turn on those questions. First, the Applicant's argument depends on findings about the proposed use's impacts, including whether those impacts resemble the impacts of the listed uses and whether the use affects community facilities in a similar way. This record contains no information from which findings on those impacts could have been made in the Applicant's favor. The same gaps in the water, wastewater, and power picture that defeat criteria D4, D6, and D7 would have defeated favorable impact findings under PMC § 17.01.160.C.3. A different or fuller interpretation would not have produced a different result on this record. Second, the conditional use permit process examined those same impact questions directly, on a fuller record than an interpretation would have produced, through a noticed public hearing, staff review against seven express criteria, comment from the City's utility departments and from outside agencies, and a written decision. The applicant received a determination of the impact questions on their merits. Third, the Applicant applied for the conditional use permit, appeared at the hearing, and sought approval on the merits without objecting to the conditional use permit requirement before the Hearing Examiner. Idaho Code §§ 67-6535(3) and 67-5279(4) limit relief to a showing of actual harm, not the mere possibility of it. The Applicant has not shown that the path the City took cost him a determination he would otherwise have obtained on this record.

None of this ultimately turns on how the use was classified. The application was denied because the record left basic questions about water, wastewater, and power unanswered, not because of the label attached to the use. A different classification would not have supplied that missing information, and it would not have satisfied the CUP criteria either.

The Applicant also argues that an entitlement dating to the former Hoku facility carries forward and excuses the need for a CUP now. Establishing that kind of entitlement is the Applicant's burden, and the record before the Hearing Examiner and reviewed by the City Council contains no permit or other document showing a valid, unexpired approval for that earlier use. The City Council has not searched outside the record on this point. It simply finds that the proof the Applicant would need is not in the record before it. The Applicant separately

invokes the parallel use provision at PMC § 17.02.130.K, but that provision by its own terms applies only where a structure built for other than residential purposes already holds a conditional use permit for a specific use, or houses a legal nonconforming use, and it allows a use from the same classification to be added within that existing permit's conditions following the Planning Director's evaluation. Nothing in this record establishes an existing structure operating under an existing CUP or as a legal nonconforming use here, and no such evaluation was ever requested or performed. Section 17.02.130.K simply does not reach this application.

Finally, the Applicant argues that even an incomplete application should have been approved with conditions rather than denied outright. PMC § 17.02.130.E lets the hearing body approve, approve with conditions, or deny, and the conditions it authorizes (minimizing adverse impacts, controlling the timing of development, requiring public facilities, and the like) are tools for managing a project whose parameters are already known. They are not a substitute for information that does not yet exist. A condition cannot manage a water, wastewater, or power impact whose size no one can state and, by the Applicant's own account, those numbers depended on studies that were still underway. The Hearing Examiner did not abuse their discretion by declining to approve a project on the promise that its central unknowns would sort themselves out later. These reasons lead the City Council to conclude that the Hearing Examiner met the requirements of the conditional use permit process, and the City Council affirms the Hearing Examiner's decision.

CONCLUSIONS OF LAW

1. The City Council has authority under PMC §§ 17.02.130.E and 17.02.400 to hear and decide this appeal, brought by a person entitled to appeal under Idaho Code § 67-6521; its review is confined to the record and the issues raised on appeal.
2. The City Council does not decide whether the May 14, 2026 written interpretation addressed each of the matters listed in PMC § 17.01.160.C.3, or whether a conditional use permit was substantively required for this use. The application was reviewed under the conditional use permit procedure of PMC § 17.02.130, the Applicant pursued that permit on the merits without objecting below, and the classification argument raised on appeal does not change the outcome, which rests on the conditional use permit criteria.
3. The application does not satisfy PMC § 17.02.130.D4, D6, or D7, and failing any one of the criteria in § 17.02.130.D is sufficient grounds for denial. The Hearing Examiner's findings to that effect are supported by substantial evidence, and the City Council independently reaches the same conclusion on this record.
4. The Hearing Examiner's decision, and this one, satisfy Idaho Code § 67-6535 and PMC § 17.02.400.B. The findings that the application does not comply with § 17.02.130.D4, D6, and D7 are supported by substantial evidence on the record as a whole, and the decision is not in violation of statutory provisions, in excess of authority, made upon unlawful procedure, or arbitrary, capricious, or an abuse of discretion. See Idaho Code § 67-5279(3). No substantial right of the Applicant has been prejudiced, and the Applicant has not shown actual harm, as opposed to the mere possibility of it. See Idaho Code §§ 67-5279(4) and 67-6535(3).

5. This is the City of Pocatello's final decision on Conditional Use Permit Application CUP26-003 and exhausts the administrative remedies available under the Pocatello Municipal Code. Idaho Code § 67-6535(2)(b) requires anyone seeking judicial review of this decision's compliance with § 67-6535 to first request reconsideration within fourteen (14) days, identifying the specific deficiencies for which reconsideration is sought. A written decision on reconsideration will issue within sixty (60) days of that request, or the request is deemed denied, and the twenty-eight (28) day period for judicial review is tolled until the earlier of the written reconsideration decision or the expiration of the sixty-day period.

POCATELLO CITY COUNCIL DECISION

After considering the above-named Findings of Fact, Reasoned Statement, and Conclusions of Law, the Pocatello City Council hereby affirms the Hearing Examiner's decision to uphold the denial of the Applicant's request for CUP 26-003.

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 6th day of August, 2026.

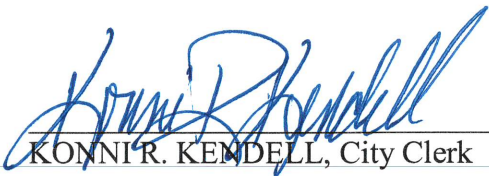
APPROVED AS TO FORM AND CONTENT


JARED JOHNSON, City Attorney

CITY OF POCATELLO, a municipal corporation of Idaho


MARK DAHLQUIST, Mayor

ATTEST:


KONNI R. KEMDELL, City Clerk

STATE OF IDAHO)

ss:

County of Bannock)

On this 19th day of August, 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)



Shawnie S. Ferrin
NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
Commission Expires: 8/30/2030

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BEFORE THE CITY COUNCIL OF THE CITY OF POCA TELLO, IDAHO

IN RE: APPEAL OF HEARING EXAMINER DECISION DENYING CONDITIONAL USE PERMIT APPLICATION NO. CUP26-00003, LEX DEVELOPMENTS LLC, Applicant/Appellant.	CUP No. CUP26-00003 APPELLANT LEX DEVELOPMENTS, LLC’S REQUEST FOR RECONSIDERATION (Idaho Code § 67-6535(2)(b))
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Applicant/Appellant Lex Developments, LLC (“Lex Developments”), by and through its counsel of record, Parsons Behle & Latimer, respectfully submits this Request for Reconsideration pursuant to Idaho Code § 67-6535(2)(b) of the City Council’s July 16, 2026 decision affirming the Hearing Examiner’s May 19, 2026 denial of Conditional Use Permit Application No. CUP26-00003 (the “Decision”). Citations herein in the form “Tr. __” are to the timestamped record of the Council’s July 16, 2026 appellate hearing.¹

I. INTRODUCTION AND PROCEDURAL BACKGROUND

Lex Developments is the owner of two parcels comprising approximately 59 acres at 1800 River Park Way, the former Hoku Materials site, zoned Industrial District (Zone I), with a land use designation of Industrial District. (Tr. 44:04–44:27.) At the express direction of the City’s

¹ Operating under the timeframe required by statute to raise a request for reconsideration to exhaust administrative remedies, Applicant acknowledges that no certified transcript has been prepared. Accordingly, transcription references are provided tracking to the publicly available recording of the proceeding on YouTube and are supplied for the convenience of the Council in this request.

Planning Department, Lex Developments applied for a conditional use permit to develop a data center on the property. The Hearing Examiner conducted a public hearing on May 14, 2026, on the conditional use permit application and issued a written denial on May 19, 2026. Lex Developments timely appealed on June 1, 2026, raising three independent grounds for reversal. On July 16, 2026, the Council heard the appeal as the final item of its regular meeting and voted 4–1 to affirm the Hearing Examiner’s denial of the application.

The Council’s own procedural framework for the appeal was stated on the record at the outset: the Council sat in a quasi-judicial capacity, “similar to that of a judge reviewing a case”; it was “not conducting a new public hearing” and would “not receive additional public testimony or new evidence” (Tr. 31:01); and it could not “consider new evidence, new opinions, or information that was not presented during the original public hearing” (Tr. 32:07). City planning staff likewise cautioned that “[t]his agenda item is not a public hearing, and council should remain vigilant in their procedural duties with regards to their motion and their discussion of this agenda item.” (Tr. 43:40.)

However, the proceeding that followed did not honor those articulated constraints. As set forth below, the presiding officer solicited and received new evidence from the applicant on matters never before the Hearing Examiner; deliberations were repeatedly punctuated by audience applause and cheering that the record shows influenced the tenor of the proceeding; at least one affirmative vote was expressly cast in part on the basis of “aligning with what the populace . . . desire is” (Tr. 2:16:46); and the Council failed, in any respect, to address the due process and interpretive grounds squarely raised in the appeal. Each defect independently warrants reconsideration. Together, they render the Decision arbitrary, capricious, procedurally defective, and unsupported by the record, and they expose the City to reversal on judicial review that

individual Council members themselves predicted is likely to occur. (Tr. 2:14:32–2:15:33; Tr. 2:16:46–2:17:21.)

II. STANDARD ON RECONSIDERATION

Idaho Code § 67-6535 requires that the approval or denial of a land use application “be based upon standards and criteria” set forth in the applicable ordinance, and that a denial be accompanied by a written, reasoned statement explaining the criteria and standards relevant to the decision and the factual basis for it. An affected person seeking judicial review must first seek reconsideration of the final decision within fourteen (14) days, whereupon the governing body has sixty (60) days to issue a written decision identifying its reasoning. I.C. § 67-6535(2)(b). Because the Council sat in a quasi-judicial capacity to hear the appeal, its decision should have been made exclusively on the record, needed to comport with procedural due process as safeguards, and ought not have been the result of public clamor, extra-record evidence, or considerations outside the governing criteria. *See, e.g., Chambers v. Kootenai Cnty. Bd. of Comm’rs*, 125 Idaho 115 (1994); *Idaho Historic Pres. Council, Inc. v. City Council of Boise*, 134 Idaho 651 (2000); *Cooper v. Bd. of Cnty. Comm’rs of Ada Cnty.*, 101 Idaho 407 (1980).

Lex Developments notes that, as of the date of this Request, the Council has not adopted the written reasoned statement its counsel indicated would be “create[d] . . . for council’s consideration at a future meeting.” (Tr. 2:11:28.) That said, this Request is made within fourteen days of the Council’s July 16, 2026 oral decision out of an abundance of caution. Lex Developments expressly reserves the right to supplement or amend this Request upon issuance of the requisite written reasoned statement and reserves all objections to any statement of reasons adopted after the vote it purports to explain or that occurred outside of a public hearing and recorded deliberations.

III. GROUNDS FOR RECONSIDERATION

A. The Council relied on extraneous evidence outside the record violating its own stated rules and procedures.

Notwithstanding the Council's repeated acknowledgment that it could not receive new evidence, the presiding officer called the applicant's principal, Gus Schultz, to the podium during deliberations and examined him on subjects that were never before the Hearing Examiner and appear nowhere in the record: whether the project was "a speculative venture"; whether Lex Developments had "a company that's committed to build the data center on the site"; and, after Mr. Schultz confirmed multiple committed parties were engaged in discussing the same, the demand, "Why aren't any of them here?", which drew immediate applause from the assembled crowd. (Tr. 1:43:03–1:43:26.) The examination continued: "I'm just asking if you had a letter of intent kind of thing from . . . an actual company that's coming in. . . . [D]o you have any kind of signed letter of intent?" (Tr. 1:44:45–1:44:52.) Mr. Schultz responded (Tr. 1:44:58), upon which a Councilmember then volunteered that Mr. Schultz was "probably under some kind of NDA or something like that . . . because that's a standard business practice" (Tr. 1:45:02–1:45:17).

None of this colloquy fell under the auspices of the seven criteria of Pocatello Municipal Code § 17.02.130.D that should have constrained the decision-making process, nor within the four specific and limited criteria in § 17.01.160.C (which is the proper section that should govern approval of this project). The identity of a tenant or builder, the existence of letters of intent, and the commercial "commitment" behind the project are not criteria for a conditional use permit, were not raised before the Hearing Examiner, and were not part of the record the Council was confined to in order to render a compliant decision. Soliciting that testimony and then pressing the applicant to disclose confidential commercial arrangements before a hostile audience, is decidedly the receipt of new evidence in a proceeding at which the applicant was told no new evidence would

be received and at which the applicant was afforded no opportunity to prepare or present responsive evidence. That is a flagrant and textbook denial of procedural due process in a quasi-judicial proceeding.

And the Mayor's grandstanding was not an isolated lapse. The proceeding as a whole devolved into what the Idaho Supreme Court has condemned as "a second fact-gathering session without proper notice[.]" *Chambers v. Kootenai Cnty. Bd. of Comm'rs*, 125 Idaho 115, 118, 867 P.2d 989, 992 (1994). The Public Works Director, called to the podium mid-deliberation, offered new comparative evidence going directly to the adequacy-of-services criterion of § 17.02.130.D.4: "[S]ome of our larger commercial users range anywhere from about 150 to 300,000 gallons a day. . . . [T]hose numbers are pretty common." (Tr. 1:12:15.). Nowhere does that testimony appear as a finding of fact relied upon by the Hearing Examiner. Likewise, the assistant planner testified that the applicant's anticipated capacity requests were "lower than what HOKU would have been using," attributing that comparison to "conversations with the applicant." (Tr. 55:18.) Those conversations are not part of the record either. Whether individual items of extra-record testimony favored or disfavored the application is beside the point: when a quasi-judicial body deviates from the record produced at the public hearing, it "essentially conducts a second fact-gathering session without proper notice, a clear violation of due process," *Chambers*, 125 Idaho at 118, 867 P.2d at 992, because no party received notice that evidence would be taken, no party could prepare, and no party could clarify or rebut. The July 16 proceeding, in which the presiding officer examined the applicant on extra-record commercial matters, staff supplied new comparative utility evidence, and deliberations were punctuated by audience applause, was, in substance, an unnoticed evidentiary hearing conducted under the label of appellate record review.

The extra-record inquiry was not neutral. The presiding officer's own deliberative comments tied the "speculative" concern directly to the City's experience with the prior occupant of the site: "I've also heard through the years that that ugly [Hoku] site, that terrible building, and what a waste of space, and I wish somebody would come in and do something with that building." (Tr. 1:47:39–1:48:00.) The import was unmistakable: the applicant was being examined publicly and outside the record and outside the criteria, to prove it was not another Hoku. Whatever institutional embarrassment the Hoku failure represents for the City, it is not a criterion under § 17.02.130.D, it was not a basis of the Hearing Examiner's decision, and its injection into the Council's deliberations was severely prejudicial to Lex Developments.

The record likewise reflects that the proceeding was conducted before, and repeatedly interrupted by, an audibly partisan audience without the Council's adherence to decorum befitting of the task: applause and cheering punctuated deliberative comments adverse to the application (Tr. 1:16:29; 1:18:01; 1:40:08), including the applause that immediately followed "Why aren't any of them here?" (Tr. 1:43:26), and the presiding officer admonishing the crowd mid-deliberation (Tr. 1:48:00). One Council member then announced, immediately before casting an affirmative vote, that affirmance was warranted "not only [as] part of our purview as council members, but also aligning with what the populace . . . desire is," adding, "this is going to be interesting to see what the judge does [with] this and come what may I guess." (Tr. 2:16:46–2:17:21.) A quasi-judicial decision expressly cast to align with popular desire, especially by a member who simultaneously concurred in another member's assessment that the decision was vulnerable to judicial review, is the definition of a decision driven by public clamor rather than record evidence. Idaho law does not tolerate it. *See generally, Chambers*, 125 Idaho at 115. The Council was supposed to act in its quasi-judicial capacity here, not its legislative. The distinction is critical, as

uniform application of the law in a quasi-judicial capacity should not turn on or be influenced by what the populace wants – the Council’s role is only a strict, even-handed application of the law.

On this ground alone, the Decision cannot stand. The Council should grant reconsideration, disregard the extra-record colloquy and public reaction, and decide the appeal on the record and criteria alone which, as Council Member Bates demonstrated in his criterion-by-criterion analysis of D4, D6, and D7 (Tr. 1:21:08–1:32:11), compels reversal of the Hearing Examiner.

B. The Council ignored a fundamental due process violation: the Director’s interpretation arrived just hours before the public hearing, denying Lex Developments its 14-Day right to appeal the interpretation.

The threshold determination in this matter, namely, whether a data center (an unlisted use in an Industrial Zone) is sufficiently similar and compatible with the uses already allowed within Industrial zoning district under Pocatello Municipal Code § 17.01.160.C, belongs initially to the Planning Director. But the Planning Director avoided his responsibility by requiring a public conditional use permit hearing.

Moreover, the Director’s faulty written interpretation was emailed to Lex Developments just five (5) hours before the scheduled CUP hearing on May 14, 2026. To maintain procedural integrity, the City’s code affords an aggrieved applicant a fourteen (14)-day period within which to appeal a director’s determination under § 17.01.160.C to the City Council. So, by withholding the Director’s faulty written interpretation until just hours before the hearing, the City effectively denied the applicant of its appeal right: Lex Developments could not timely appeal a determination it received at the last minute, with the public CUP hearing predicated on that faulty determination. The process due to an applicant is: (1) notice of the determination; and (2) a meaningful opportunity to challenge it before it is applied was denied, (3) the City Council’s review of the determination, and (3) judicial review of the City Council’s decision. Notice was hardly provided

and no meaningful opportunity (14-days under the code) to challenge it was afforded before being subjected to an unnecessary and adverse public hearing.

Due process regarding the notice of the Director's interpretation was squarely raised in the appeal. Yet the City Council did not even consider the lack of due process during its quasi-judicial review. When Council Member Bates asked whether the process leading to the CUP requirement was properly followed, the City Attorney responded that it was one of the three points raised in the appeal and "really up to the council to decide" (Tr. 48:55–49:26). But the law is not so subjective and worse, the Council never addressed it. The motion to affirm, and the only stated reason for it "I believe the hearing examiner met the requirements of the con[ditional] use permit process" (Tr. 2:11:59) was conclusory and failed to address addressed any of the three appeal grounds individually. The Council articulated no findings on the timeliness, validity, or the merits of the Director's interpretation. A governing body acting in an appellate, quasi-judicial capacity must *actually decide* the issues presented on appeal and must explain its reasoning. I.C. § 67-6535. Certainly, the merits of the appeal warrant reversal, but its silence on a dispositive due process challenge is itself reversible error and independently warrants reconsideration.

C. The Director failed to analyze the Data Center against the Industrial Zone's maximum classification which permits *all* industrial uses.

The Director's interpretation under § 17.01.160.C stated only that data centers are an unlisted use in the City's Classification Table, not a prohibited use. It is undisputed that the property lies in the Industrial zone, the City's most intensive and therefore the most permissive classification, and by design, an all-encompassing, catch-all designation for industrial uses the City does not want elsewhere. The Classification Table's Industrial-zone entries include Industrial Services, Heavy Industrial, Light Industrial, Railroad Yards, Research and Development, and Waste Related uses (*see* Use Table at 17.03.500). The Director conducted no analysis of why a

data center would not fall within this maximally regulated, catch-all classification. Had he done so, the only supportable conclusion is that a data center, under any definition of the term, fits completely within the Industrial zone's permitted classifications, and no conditional use permit was required. Which is not to say regulatory safeguards do not exist, and the Applicant does not suggest anything to the contrary as the building permitting process so provides.

Section 17.01.160.C requires four specific and limited criteria for zone determination. "Approval or denial of an unlisted use application by the director shall be based on findings of whether:"

- a. The use is consistent with the intent and purpose of the applicable zoning district;
- b. The use is similar to and of the same general type as the uses listed in the zoning district;
- c. The use has similar impacts as the uses listed in the zoning district;
- and
- d. The use has similar impacts on the community facilities as the uses listed in the zoning district....

Pocatello Municipal Code § 17.01.160.C.

Had the Director followed proper procedure, his interpretation would have been strictly limited to providing a determination as to these four unambiguous criteria. And there is no plausible explanation for why a data center would not fit comfortably in each Industrial category. But the Director's own testimony before the Council confirms the required analysis was absent. Describing his review, the Director conceded: "As I looked at those criteria, lots of them did align with a data center. I think an industrial zone would be the proper zone for a data center." (Tr. 58:54-59:17.) The sole reservations he identified, uncertainty about "the consumption of . . . utilities, water, [and] wastewater" (Tr. 59:17), are not classification criteria at all; they are development-stage questions resolved through the building permit, site plan, and utility approval

processes that staff testified would follow any conclusion that a data center could be an approved use (Tr. 46:37–47:04), and that apply with equal force to every listed industrial use. Indeed, the Director admitted that “the biggest issue really was the power consumption,” and that the information later supplied by Idaho Power “came after the fact, after I made that determination to move forward with a conditional use permit.” (Tr. 1:01:01–1:01:26.).

D. The Director manufactured a “Light Industrial” ambiguity as pretext to require the CUP Public Hearing in order to avoid political backlash.

Rather than analyze the data center against the Heavy Industrial zone’s listed classifications, the Director’s written interpretation redirected attention to lesser classifications, describing the use as “functionally similar to listed industrial and infrastructure-related uses, including but not limited to light industrial, research and development”. The reference to “light industrial,” in his analysis of an Industrial zone application served no logical purpose except to conjure a question as to whether the use fits within a lesser district, and that manufactured “zoning question” was then deployed as the pretext for requiring a public hearing on a conditional use permit. The logical extension is that the City opted for providing itself political cover for a clearly approved and permitted Industrial zone use that is rhetorically a hot button issue and an often misunderstood topic.

The Director’s testimony said the quiet part out loud: “[O]bviously the public is very interested in this . . . type of use in the city and I felt it was most appropriate to go through the conditional use permit process because of that.” (Tr. 1:00:02–1:00:17.) But public interest in a use is not a criterion under § 17.01.160.C and is not a lawful basis for imposing a public hearing on a use the Director himself acknowledged aligns with the zone. Routing a politically controversial, but code-compliant use into a discretionary CUP process because of anticipated public opposition inverts the function of zoning classification and denies the applicant equal application of the City’s

own ordinances. In short, it guts the rule of law and purpose of a uniform development code in favor of political cover.

Taken to its logical conclusion, the Director's rationale would swallow the distinction between permitted and conditional uses entirely. If "public interest" alone were sufficient to trigger discretionary CUP review, then any permitted use—no matter how squarely it fits the zone—could be relegated into a public hearing process simply because neighbors showed up to object, or because a proposal attracted media attention, or because the Director (or his bosses) anticipated that it might cause political harm. Under that logic, *every single* land use application would effectively become a conditional use application, and the very category of "permitted use" would become a nullity, since a use is never more likely to draw public interest than when someone opposes it. That is not how Idaho's land use scheme works, and it is directly antithetical to Idaho's bedrock principles of free use of land and inherent rights to property development. Once a use is designated permitted within a zone, an applicant's entitlement to develop it does not depend on a headcount of supporters and opponents; a permitted use is not put to a direct vote each time it proves unpopular with a vocal segment of the public. The Local Land Use Planning Act draws a deliberate line between uses that are permitted outright and uses that require discretionary review precisely so that an applicant's rights do not turn on the volume of public opposition a project happens to generate. Allowing an administrative official to relocate a use from one track to the other based on his own assessment of political interest—rather than the criteria the City itself adopted in § 17.01.160.C—substitutes ad hoc discretion for the rule of law the ordinance was designed to provide.

Council Member Bates recognized this structural problem on the record: "[T]his is a land use decision. This is not a building code. . . . We're not asking for final design and engineering.

This is simply asking if this use fits within our code, which most all of city staff has . . . essentially said yes, it fits.” (Tr. 1:52:56–1:53:11.)

E. The City ignored its disparate treatment of materially similar uses, including an existing data center and the Hoku plant.

The record before the Council contained undisputed references to two materially similar uses that were never subjected to a conditional use permit requirement. First, the federal government operates an existing data center “right down the street” from the subject property, a fact acknowledged both by the applicant (Tr. 1:46:47) and by the presiding officer during deliberations: “[I]t’s not lost on me that the FBI also has a data center right down the street. The power consumption and all of these different factors.” (Tr. 1:48:40–1:48:55.). Second, the Hoku polysilicon manufacturing plant, a use city staff itself characterized as significantly environmentally impactful, with water and power demands exceeding those proposed here (Tr. 53:14–53:20; 55:18–55:34; 1:28:26–1:28:49), was developed on this very site without a conditional use permit.

Lex Developments raised this disparity in its appeal. It is unjust to permit other operators to develop similarly or more impactful facilities without the detailed pre-authorization studies now demanded of Lex Developments alone and underscores the political animus driving the decision-making in contravention of due process. The Council referenced both comparators during the hearing but conducted no analysis of the disparity as there were no findings distinguishing the uses and no explanation of why the same ordinances yield a discretionary gauntlet for this applicant but outright permission for others. Arbitrary and unequal administration of the same or similar ordinances against similarly situated applicants is itself grounds for reversal, and the Council’s failure to engage the issue raised on appeal leaves the Decision unsupported by any reasoned statement on a ground properly presented. I.C. § 67-6535.

IV. RELIEF REQUESTED

For each of the foregoing independent reasons, Lex Developments respectfully requests that the City Council: (1) grant reconsideration of its July 16, 2026 decision; (2) reverse the Director's Interpretation allowing the building permit process to move forward without requiring a public conditional use permit application.

Lex Developments further requests that, should the Council deny this Request in whole or in part, the Council's written decision identify its reasoning as to each ground presented, as required by Idaho Code § 67-6535(2)(b). This Request is made expressly to exhaust administrative remedies, and Lex Developments reserves all rights to seek judicial review pursuant to Idaho Code §§ 67-6519, 67-6521, and 67-6535 and the Idaho Administrative Procedure Act, and to assert all claims arising from the deprivations of due process described herein.

DATED this 29th day of July, 2026.

PARSONS BEHLE & LATIMER

By: /s/ Jon A. Stenquist
Jon A. Stenquist
Attorneys for Applicant/Appellant
Lex Developments LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2026, I caused a true and correct copy of the foregoing REQUEST FOR RECONSIDERATION to be served upon the following by the method indicated:

City of Pocatello, Planning and Development Services Brent McLane, Pocatello City Planning Director Konni Kendell, City Clerk 911 N 7 th Avenue Pocatello, ID 83201	☒ Priority Mail ☐ Hand Delivery ☒ Email planning@pocatello.gov bmclane@pocatello.gov kkendell@pocatello.gov
Office of the City Attorney, City of Pocatello Jared W. Johnson 911 N. 7 th Avenue Pocatello, ID 83201	☒ Priority Mail ☐ Hand Delivery ☒ Email mwimbish@pocatello.gov

/s/ Jon A. Stenquist
Jon A. Stenquist

Code relevant to
CUP26-003

17.01.160: USE CLASSIFICATIONS:

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to the public health, safety, and general welfare.

B. Listing Of Use Classifications: The following classifications of uses are established:

1. Residential Use Types:

a. Household Living: Dwelling units for households (see section 17.01.150 of this chapter, definition of “household”), including “group homes” up to fifteen (15) unrelated persons as defined by Idaho Code section 67-6531 and 39-3304.

b. Boarding/Rooming House: Living facilities for groups of unrelated individuals are characterized by shared facilities for eating, hygiene, and/or recreation. Examples include, but are not limited to, boarding houses, sororities, and fraternities, and are subject to household occupancy standards. Tenancy is longer than one month.

c. Residential Care Facility: Living facilities providing routine living assistance for sixteen (16) or more unrelated persons. “Residential Care Facility” includes, but is not limited to, assisted living, assisted care, and skilled nursing facilities, children’s or other residential care facilities, and drug and alcohol treatment facilities.

d. Shelter Housing: Living facilities providing basic services that may include food; personal hygiene support; information and referrals; employment, mail and telephone services; including overnight sleeping accommodations, to people with limited financial resources, including people who are unhoused. This includes postincarceration and halfway houses for those not under judicial detention. This also includes housing for persons who are victims of crime or abuse such as rape or domestic abuse, and the dependents of the victim.

e. Home Occupation: A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use. See section 17.06.400, “Home Occupations”, of this title for special use standards.

f. Residential Daycare: A daycare business with twelve (12) or fewer children in the operator’s personal residence; or twenty (20) or fewer children in a structure that was not initially constructed for residential purposes, such as a church building. Increased numbers may be conditionally permitted. All other municipal code standards governing daycare operations must be met.

2. Civic Use Types:

a. Basic Utilities: Community infrastructure, including water and sewer systems, telephone or cable exchanges, power substations, and transit stations.

b. Colleges: Institutions of higher education with or without dormitories. Excludes private, profit making, trade and vocational schools, unless associated with a college or university (see subsection B3d(2), “Consumer Services”, of this section).

c. Community Recreation: Public or legally recognized nonprofit (meeting federal or state definition for taxation purposes and with no benefit to individual, private, or other third party) owned recreational, social and multipurpose facilities designed to serve the general community. Examples include, but are not limited to, community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic

areas, golf courses and recreational trail systems. Excludes commercial recreational facilities (see subsection B3c, "Entertainment/Recreation" of this section).

d. Cultural Institutions: Public or nonprofit cultural facilities including libraries, museums and galleries.

e. Emergency Services: Public safety facilities including police and fire stations, emergency communications, and ambulance services.

f. Medical Centers/Hospitals: Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm. Usually developed in a campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking. Medical centers may also include freestanding offices for hospital based and/or private practice physicians and other allied healthcare professionals.

g. Public Support/Social Service Facilities: Facilities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, the service is provided on site or employees are at the site on a regular basis. The use may provide short term housing where tenancy may be arranged for periods of less than one month when operated by a public or nonprofit agency. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities. Examples include, but are not limited to, youth club facilities, hospices, drug and alcohol centers, social service facilities, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

h. Religious Institutions: Places of religious worship which may also include related accessory uses such as offices, classrooms, daycare, auditoriums, social halls, gymnasiums, and other recreational activities.

i. Schools: State of Idaho accredited public and private schools including, but not limited to, elementary, middle, and high schools.

j. Social/Fraternal Clubs/Lodges: Nonprofit organizations with social, philanthropic, and/or recreational functions and activities.

3. Commercial Use Types:

a. Commercial Lodging: Residential facilities such as hotels, motels, and bed and breakfast establishments where tenancy is typically less than one month. May include accessory meeting and convention facilities and restaurants/bars.

b. Eating And Drinking Establishments: Establishments which sell prepared food and/or beverages for consumption on site or takeaway including restaurants, banquet facilities, delicatessens, storefront bakeries, bars, taverns, brewpubs, microbreweries, and espresso bars.

c. Entertainment/Recreation:

(1) Major Event Entertainment: Facilities used for commercial purposes including, but not limited to, auditoriums, stadiums, convention centers, and race tracks which provide athletic, cultural, or entertainment events and exhibits for large groups of spectators.

(2) Outdoor Entertainment: Large scale outdoor facilities used for commercial purposes including, but not limited to, outdoor tennis clubs, golf courses, and drive-in movie theaters.

(3) Indoor Entertainment: Commercial indoor facilities including, but not limited to, health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks,

bowling alleys, arcades, shooting or archery ranges, and movie theaters.

(4) Adult Entertainment: Facilities for operations classified as sexually oriented businesses as described and regulated in title 5, chapter 5.60 of this code.

d. General Retail:

(1) Retail Sales: Establishments with consumer oriented sales, leasing, and/or rental of consumer, home and/or business goods including, but not limited to, appliances; art, art supplies; motor vehicle parts and/or tires; bicycles; clothing; convenience stores; dry goods; electronic equipment; fabric; furniture; gifts; groceries; hardware; household products; jewelry; common in residence pets and pet products; pharmaceuticals; plants and flowers; printed materials; stationery; and videos. Excludes those items sold primarily outdoors (see subsection B3d(4), "Outdoor Sales", of this section).

(2) Consumer Services: Establishments which provide consumer services such as banks and credit unions; personal care services such as, but not limited to, hair, tanning, or massage; commercial (not in home) daycare operations; common in residence maintained household pet (see section 6.04.200 of this code) grooming; laundromats and dry cleaners; copy centers; photo processing; photographic and art studios; dance, art or music classes; martial arts, and other trade/vocational schools.

(3) Repair Services: Establishments which engage in the repair of consumer and/or business goods including, but not limited to, home electronics; bicycles; clocks and watches; jewelry; guns; small appliances, office equipment, and tools; tailors and seamstresses; shoe repair; locksmith; recycling dropoff containers; furniture refinishing; and upholsterer.

(4) Outdoor Sales: Establishments which engage in sales requiring outdoor display and/or storage including lumberyards; nurseries and greenhouses; industrial equipment and supplies; manufactured and mobile home sales; and agricultural supplies, including equipment, feed, seed, and fertilizer. Excludes sidewalk sales or farmers' market activities.

(5) Animal Related Services: Nonlivestock animal breeding and boarding facilities. Excludes pet sales/supplies (see subsection B3d(1), "Retail Sales", of this section); animal grooming (see subsection B3d(2), "Consumer Services", of this section); and veterinary clinics (see subsection B3g, "Office", of this section).

e. Motor Vehicle Related:

(1) Motor Vehicle Sales/Rental: Includes cars, trucks not to exceed two and one-half (2.5) tons, motorcycles, boats, and recreational vehicle sales, leasing, and/or rental.

(2) Motor Vehicle Servicing/Repair: Vehicle servicing and repair establishments including quick and general vehicle service, car washes, and body shops not accessory to vehicle sales and not a component of another retail entity.

(3) Vehicle Fuel Sales: Establishments engaging in the sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.

f. Nonaccessory Parking: Any private or public parking, either paid or free, which is not accessory to a primary use; includes public and private parking structures and lots, and transit park and ride lots. May also include fleet vehicle parking lots.

g. Office: Government, business, and professional offices. Examples include, but are not limited to, local, regional, state, and federal offices and agencies; medical, dental and veterinary clinics, offices, and laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, insurance brokers and other consultants;

headquarters offices; sales offices; and radio and television studios. Also includes painting, landscaping, tree service, building, and janitorial contractors where limited indoor storage of materials and equipment is accessory to the office use. If this indoor storage exceeds fifty percent (50%) of occupied space, such uses are classified as industrial services (see subsection B4a of this section). No outdoor storage is permitted. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.

h. Self-Service Storage: Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see subsection B4e, "Warehouse/Freight Movement", of this section).

i. Postal Service: Refers to postal services and processing as traditionally operated by, but not limited to, the U.S. postal service. Postal facilities include customer sales, mail sorting, and fleet truck storage.

4. Industrial Use Types:

a. Industrial Services And Sales: Includes the sales, leasing, and/or rental, and repair and servicing of motor vehicles and heavy equipment commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight over two and one-half (2.5) tons, and industrial and business machinery, equipment and/or products. Examples include, but are not limited to, welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck body work, salvage, and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry cleaning and carpet cleaning plants; and photofinishing laboratories.

b. Manufacturing And Production:

(1) Light industrial: Includes production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components, and manufacturing, processing, and assembling of semifinished or finished products from raw materials. All activities and storage are contained within buildings, with only limited outside storage of raw materials. Examples include, but are not limited to, the manufacturing and assembly of small scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; artwork, toys and other precision goods; sign making; catering facilities; food processing; breweries, distilleries, and wineries; production of apparel or textiles; and woodworking, including cabinetmakers.

(2) Heavy industrial: Manufacturing, processing and assembling of semifinished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing.

c. Railroad Yards: A terminus of several railroad lines where the loading, unloading, transshipment, repair, maintenance, and switching of railcars is undertaken.

d. **Research And Development:** Facility featuring a mix of uses including office, research laboratories and/or prototype manufacturing.

e. **Warehouse/Freight Movement:** Uses involving the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with semitruck and rail traffic. Examples include, but are not limited to, freestanding warehouses associated with retail furniture or appliance outlets; household and general freight storage; cold storage plants/frozen food lockers; grain storage; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus terminals; grain terminals; and stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials.

f. **Waste Related:** Uses involving receiving solid or liquid wastes from others for disposal on the site or transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Examples include, but are not limited to, auto salvage yards, junkyards, recycling/garbage transfer stations; landfills; composting, energy recovery, and sewage treatment plants.

g. **Wholesale Sales:** Uses involving sales, leasing and/or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include, but are not limited to, the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

5. Other Use Types:

a. **Accessory Structures:** A building/structure detached from and located on the same lot or parcel as the principal building/structure, and normally incidental and subordinate to the principal building/structure or use.

b. **Cemeteries:** Facilities for storing human remains. Accessory uses may include chapels, mortuaries, offices, maintenance facilities, and parking.

c. **Detention Facilities:** Uses which are devoted to the housing, training, and supervision of those under judicial detention. Examples include, but are not limited to, prisons, jails, probation centers, juvenile detention homes, and related postincarceration and halfway houses.

d. **Heliports:** Public or private facilities designed for the landing, departure, storage and fueling of helicopters.

e. **Mining:** Uses that mine or extract mineral or aggregate resources from the ground for off site use. Accessory uses may include storage, sorting, and transfer facilities.

f. **Wind Energy Conversion Systems:** Systems including the base, tower, rotor blades, inverters, conductors, etc., as necessary to convert the power of the wind into mechanical or electrical energy.

g. **Wireless Communication Facilities:** Includes publicly and privately owned towers and related transmitting equipment for television, radio, cellular and two-way radio, microwave transmission, and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network (see subsection B2a, "Basic Utilities", of this section). Does not include amateur (ham) radio antennas or towers. See title 15, chapter 15.42, "Wireless Telecommunications Towers And Facilities", of this code for special standards.

C. Unlisted Use; Authorization Of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.
2. Process: The director shall render an interpretation, as governed by section 17.02.180 of this title.
3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:
 - a. The use is consistent with the intent and purpose of the applicable zoning district;
 - b. The use is similar to and of the same general type as the uses listed in the zoning district;
 - c. The use has similar impacts as the uses listed in the zoning district; and
 - d. The use has similar impacts on the community facilities as the uses listed in the zoning district. Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.
4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use. (Ord. 3176 § 1, 2026: Ord. 3155, 2025: Ord. 3132, 2023: Ord. 3115, 2023: Ord. 2896, 2011: Ord. 2846 § 1, 2008)

17.02.130: CONDITIONAL USE PERMITS (CUP):

- A. Definition: Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses.
- B. Application: A CUP application shall be filed and include all information and fees outlined on the application form.
- C. Hearings And Notices: Upon receipt of a complete conditional use permit application, a hearing date shall be set, notice of the hearing provided, and hearing held in the manner required by section 17.02.300, "Decision Making Procedures/Public Hearings", of this chapter.
- D. Criteria For Review: The hearing body shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:
 1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process;
 2. Is consistent with the goals and policies of the comprehensive plan of the city;
 3. Is compatible with existing and permitted land uses within the general area;
 4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and

schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare;

5. Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses;

6. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established;

7. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

E. Authority To Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the city council, using the process outlined in section 17.02.400, "Appeals", of this chapter. The hearing body may impose any conditions necessary to accomplish the following:

1. Minimize potential adverse impacts on other developments and surrounding land use;

2. Control the sequence and timing of development;

3. Control the duration of the construction period;

4. Assure that development is maintained properly;

5. Designating the exact location and nature of development;

6. Require the provision for on site or off site public facilities or services;

7. Require more restrictive standards than those generally required in this title;

8. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;

9. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental effects and any aviation hazard as defined in Idaho Code section 21-501(2), be conducted prior to granting approval.

F. Conditional Use Permit Amendments:

1. Staff Level Approvals: Upon written request from an applicant detailing the proposed amendment to a conditional use permit, minor modifications of an approved conditional use permit may be permitted after review by the director for the following:

a. A reduction in density;

b. A relocation of dwelling units or building pads for reasons such as road alignment or topography restrictions;

c. A change in phasing not to exceed one year;

d. A modification in the recreation area or open space design, excepting elimination or reduction in size of ten percent (10%) or greater;

e. A decrease in setbacks not to exceed ten percent (10%).

2. Director Determination: Prior to any conditional use permit amendment, the director shall determine if the following standards are met:

- a. The requested amendment was not the subject of an appeal during the public hearing process;
 - b. The requested amendment will not adversely impact adjacent properties pursuant to review criteria listed in subsection D of this section;
 - c. A written decision will be provided to the applicant by the director stating findings of fact and conclusions on which approval or denial was based. If denied, applicant may appeal through the regular CUP process.
3. Hearing Body Approval: Upon written request from an applicant detailing the proposed amendment to a conditional use permit, modifications of an approved conditional use permit shall be reviewed through the regular conditional use permit process for the following:
- a. An increase in density;
 - b. A change that may adversely impact a neighborhood pursuant to the review criteria listed in subsection D of this section. Such impacts may include, but are not limited to, traffic generation or flow, grading, increase in building size;
 - c. Any other changes or deletion of a condition of approval not addressed in subsection F1, "Staff Level Approvals", of this section.
- G. Conditional Use Permit Expiration: Uses for which a conditional use permit has been granted shall be established within two (2) years from the date of approval, including meeting all conditions, unless otherwise provided for in the CUP approval. Should the conditional use and conditions not be established within this period of time or as provided in the CUP approval, the conditional use permit shall become null and void, unless the applicant has been granted a time extension. In addition, a conditional use permit that has expired according to the provisions of this section shall not be reestablished without a new conditional use permit being approved.
- H. Time Extension: An applicant that has been granted a CUP may request a time extension that is not to exceed an additional one (1) year period. The director may grant the request if filed prior to the expiration of the permit and provided the applicant demonstrates good cause for the delay. Time extensions that are denied by the director may be appealed through the usual appeal process.
- I. Conditional Use Permit To Run With The Land: Unless specifically amended in the approving document, a conditional use permit granted pursuant to the provisions of this chapter shall continue for the approved use upon a change of property ownership.
- J. Application Resubmittal: No application for a conditional use permit that has been denied by the hearing body or city council shall be resubmitted in either the same or substantially the same form less than one year from the date of final action, unless specifically authorized by the granting body.
- K. Parallel Use Consideration: When a structure, which clearly was constructed for other than residential purposes, is granted a conditional use permit for a specific use or houses a legal, nonconforming use, it shall be permissible for a parallel use (one from the same use classification as the original conditional use) to be established within the conditions of the original conditional use permit or legal, nonconforming use, following an evaluation by the Director, subject to the following criteria:
1. General intensity of use is not anticipated to be greater than the approved use;
 2. Parking space requirements are the same or less than the approved or existing use;
 3. No expansion in either building or land area is requested;

4. No significant exterior additions or changes are proposed, such as, but not limited to, lighting, removal of landscaping, or signage. (Ord. 3132, 2023: Ord. 3044, 2020: Ord. 2846 § 1, 2008)

Director's
Interpretation sent
5.14.26

Planning Director Written Interpretation

City of Pocatello Planning & Development Services

May 14, 2026

Written Interpretation Pursuant to PCC 17.02.180 and 17.01.160.C

Project: CUP26-003 – Gus Schultz / Portneuf Capital, LLC

Property: 1800 River Park Way, Pocatello, Idaho

Parcels: RPPGW000100 and RPCPP044853

Zoning: Industrial (I)

Request: Interpretation of proposed data center use and determination whether the use may be processed as an unlisted use / similar use

Interpretation

Pursuant to Pocatello City Code § 17.02.180, I hereby issue this written interpretation of the zoning ordinance for the above-referenced property.

The proposed data center is not expressly listed in the City's use classification table in PCC § 17.01.160. Based on review of the ordinance text, the applicable zoning district, and the proposed use characteristics described in the application materials, I interpret the proposed data center to be an unlisted use subject to review under PCC § 17.01.160.C, including the authorization of a similar use.

This interpretation is based on the following:

1. The subject property is located in the Industrial (I) zoning district.
2. The City's use classification table does not specifically identify "data center" as a permitted use, conditionally permitted use, or expressly prohibited use in the Industrial district.
3. The proposed use is functionally similar in character to listed industrial and infrastructure-related uses, including but not limited to light industrial, research and development, basic utilities, and other enclosed, infrastructure-dependent industrial activities.
4. The proposed use is therefore appropriately analyzed under the City's unlisted use / similar use provisions in PCC § 17.01.160.C.
5. This interpretation is limited to the specific property identified above and is made on a case-by-case basis.
6. This interpretation has no precedential effect beyond this property.
7. Any person aggrieved by this interpretation may appeal in accordance with PCC § 17.02.180(C)(5) and PCC § 17.02.400.

Clarification

This interpretation addresses only the zoning classification question under PCC § 17.02.180 and § 17.01.160.C. It does not constitute approval of the project, nor does it waive any other requirement of the Pocatello City Code, including but not limited to:

- Conditional Use Permit review under PCC § 17.02.130,
- building permit requirements,
- site plan review,
- utility approvals,
- fire access review,
- water/sewer review,
- drainage review,
- air quality or environmental approvals, or
- any applicable state or federal permit requirements.

Conclusion

For the foregoing reasons, the proposed data center at 1800 River Park Way is interpreted as an unlisted use subject to review under PCC § 17.01.160.C and the applicable conditional use permit standards.

Issued by:

A handwritten signature in blue ink, appearing to be 'B. J. L.', is written over the text 'Issued by:' and 'Planning Director'.

Planning Director

City of Pocatello

Conditional Use Permit
Packet submitted to
the Hearing Examiner
for CUP26-003

**HEARING EXAMINER
HEARING: MAY 14, 2026
STAFF REPORT**

FILE: CUP26-003

APPLICANT: Gus Schultz
OWNER: Portneuf Capital, LLC
REQUEST: Conditional Use Permit for potential data center
LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853
GENERAL LOCATION: 1800 River Park Way
STAFF: Jennifer Flynn, Assistant Planner

SUMMARY & CONDITIONS:

In consideration of the application, staff concludes that the proposed use is **compliant** with Pocatello City Code Section 17.02.130.D. A full analysis is detailed within this staff report.

Staff recommend the following conditions that are outlined in code for this type of use:

1. All applicable standards of the City of Pocatello Municipal Code not herein listed and applicable shall apply;
2. Any activity requiring a separate development or building permit shall comply with applicable regulations;
3. The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any site improvements that may be required; and
4. Idaho Power's impact analysis for power generation and construction be provided to the City once complete.

OPTIONAL MOTIONS:

1. Approval of the Application: "Move to recommend **approval** of the Conditional Use Permit application from Gus Schultz to authorize a l data center for RPPGW000100 and RPCPP044853, finding the application meets the standards for approval under section 17.02.130.D of Pocatello City Code.

2. Denial of the Application: "Move to recommend **denial** of the Conditional Use Permit application from Gus Schultz, finding the application **does not** meet the standards for approval under section 17.02.130.D of Pocatello City Code (**state reason for denial**).

GENERAL BACKGROUND:

Request: Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

Per code 17.01.160: USE CLASSIFICATIONS:

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to public health, safety, and general welfare.

As noted in section C:

C. Unlisted Use; Authorization of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining

whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.

2. Process: The director shall render an interpretation, as governed by section [17.02.180](#) of this title.

3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:

- a. The use is consistent with the intent and purpose of the applicable zoning district;
- b. The use is similar to and of the same general type as the uses listed in the zoning district;
- c. The use has similar impacts as the uses listed in the zoning district; and
- d. The use has similar impacts on the community facilities as the uses listed in the zoning district.

Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations and water, sanitary sewer and storm drainage systems.

4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

Physical Characteristics of the Site: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

Notification: Notice was posted on the subject property and published in the Idaho State Journal on April 28, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit. No written comments were received from the public prior to the publishing of this staff report.

Hearing Examiner Authority to Grant: The Hearing Examiner may approve, approve with conditions, or deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

ATTACHMENTS:

- A. Application Documents

CRITERIA FOR REVIEW: The Hearing Examiner shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Conditional Use Permit Review Criteria Analysis

REVIEW CRITERIA (17.02.130.D):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.130.D1	Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.
			<i>Staff Review</i>	Yes, this land is zoned Industrial. According to 17.01.160.4.b.2: Heavy industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors

				with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing. Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
			<i>Applicant Response</i>	The proposed data center use complies with the applicable provisions of Pocatello City Code through the framework established in Section 17.01.160 for authorization of unlisted uses. While “data center” is not explicitly identified as a permitted or conditional use within the zoning ordinance, the proposed use meets all required approval standards for similar uses. Specifically, the proposed development is consistent with the intent and purpose of the applicable zoning district, which is to accommodate employment-generating, infrastructure-supported commercial and industrial activities. The data center is functionally similar to permitted uses such as warehouse, light industrial, and utility-related facilities in that it operates within an enclosed structure, has limited on-site staffing, and generates minimal external impacts. The operational characteristics- including low traffic generation, controlled access, and reliance on existing utility infrastructure- are consistent with or less intensive than those of permitted uses. Additionally, the project’s infrastructure demands can be adequately supported by existing and planned public facilities. As such, the proposed use satisfies all criteria for approval as an unlisted use under Section 17.01.160.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
			<i>Staff Review</i>	Future Land Use designates the subject property to be industrial for future use. Data centers are most similar to Heavy Industrial uses as described in 17.01.160.
			<i>Applicant Response</i>	The proposed data center is consistent with the goals and policies of the City of Pocatello Comprehensive Plan, particularly those related to economic development, land use efficiency, and infrastructure utilization. The project represents a significant investment in technology infrastructure and contributes to the diversification of the local economic base by introducing a high-value, low-impact employment use. Data centers are widely recognized as essential infrastructure supporting modern commerce, communications, and digital services. The proposed location within an established commercial/industrial area aligns with the Comprehensive Plan’s intent to concentrate

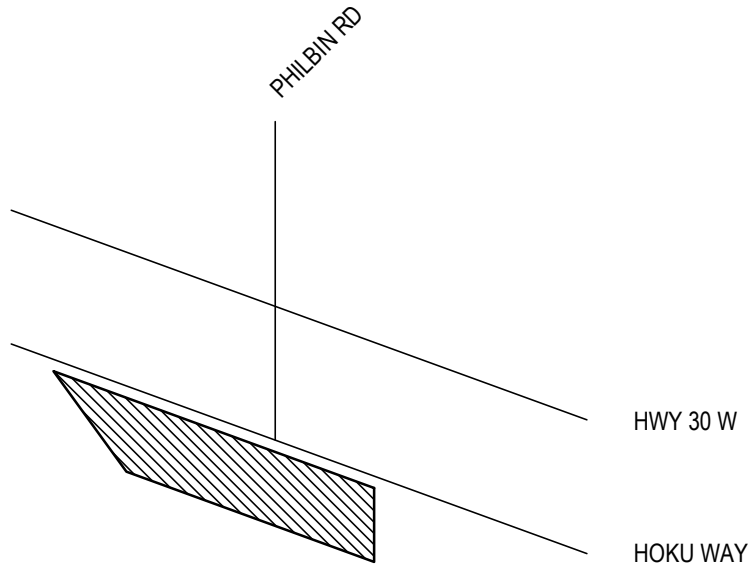
				employment-generating uses in appropriate districts where infrastructure capacity exists. The project promotes efficient use of land and utilities while minimizing conflicts with residential or sensitive land uses.
☒	☐	☐	17.02.130.D3	Is compatible with existing and permitted land uses within the general area.
			<i>Staff Review</i>	This corridor is industrial and if a potential data center use is approved, would be compatible with other industrial uses.
			<i>Applicant Response</i>	The proposed data center is compatible with existing and permitted land uses within the surrounding area. The River Park Complex is characterized by a mix of commercial, industrial, and service-oriented uses, many of which involve similar building forms, operational characteristics, and infrastructure needs. The data center will operate entirely within an enclosed building, with limited employee presence and minimal customer or public access. Compared to many permitted uses in the area, such as retail, distribution, or manufacturing, the data center generates significantly less traffic, noise, and activity. Because of its low-intensity operational profile and industrial/commercial nature, the proposed use is consistent with and compatible with surrounding land uses and will not introduce conflicts within the area.
☒	☐	☐	17.02.130.D4	Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
			<i>Staff Review</i>	Public and private utilities have been notified about this potential development. Needed quantities of water and sewer disposal have not been provided. Once design and calculations have been drafted, this development would need to meet standards and conditions set by Water and Sewer. Officials with the City's Water Pollution Control submitted the following: How much wastewater will be discharged? A ballpark number in gallons. Will any pretreatment be required? Will there be any chemicals being discharged? The City's primary wastewater interceptor line runs alongside/through this property. Full 24/7 access must be provided as well as direct access to all of the manholes connected to the interceptor. The Fire department commented that a secondary access will be required. Applicant is working with Idaho Power and Intermountain Gas to determine a plan to provide power. Up to 100 megawatts of power will be needed to run the data center which will not be available immediately. Idaho Power has commented that 100 megawatts is comparable to the amount of power utilized by the entire city of Pocatello in one year. In the interim, power will be supplemented by gas turbines.
			<i>Applicant Response</i>	The proposed data center can be adequately served by existing public facilities and services, including transportation infrastructure, utilities, and emergency services.

				Traffic generation associated with the use is minimal, consisting primarily of periodic employee access and occasional service or maintenance visits. This is substantially lower than many permitted commercial or industrial uses and will not place undue demand on the surrounding roadway network. The site is located within an area already served by necessary infrastructure, including water, sewer, storm drainage, and electrical systems. The project will be engineered to meet all applicable utility and service requirements, ensuring reliable and efficient operation. Police and fire services can adequately serve the site, and the facility will incorporate modern safety and security systems. Overall, the proposed use will not overburden public facilities and will operate within the capacity of existing infrastructure.
☒	☐	☐	17.02.130.D5	Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
			<i>Staff Review</i>	Adjacent land uses are similar and fit within the industrial use classification. Landscape buffers will be required per City standards.
			<i>Applicant Response</i>	The proposed data center will be harmonious in scale, mass, coverage, density, and intensity with adjacent permitted land uses. The building design will be consistent with typical commercial and industrial structures in the area, such as warehouses and similar large-format buildings. While the structure may have a comparable footprint, its operational intensity is significantly lower due to limited staffing and reduced activity levels. The project will incorporate appropriate site planning, setbacks, and design considerations to ensure compatibility with neighboring properties. Overall, the development will fit cohesively within the existing built environment without creating visual or operational conflicts.
☒	☐	☐	17.02.130.D6	Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
			<i>Staff Review</i>	Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge.
			<i>Applicant Response</i>	The proposed data center will be harmonious in scale, mass, coverage, density, and intensity with adjacent permitted land uses. The building design will be consistent with typical commercial and industrial structures in the area, such as warehouses and similar large-format buildings. While the structure may have a comparable footprint, its operational intensity is significantly lower due to limited staffing and reduced activity levels. The project will incorporate appropriate site planning, setbacks, and design considerations to ensure compatibility with neighboring properties. Overall, the development will fit cohesively within the

				existing built environment without creating visual or operational conflicts.
☒	☐	☐	17.02.130.D7	Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.
			<i>Staff Review</i>	Impact to public interests is being considered. Based on technological advances, water use will be minimized. The greatest public impact appears to be power usage. Data to support these claims shall be provided by applicant prior to permits being issued.
			<i>Applicant Response</i>	The proposed data center will not be detrimental to the public interest, health, safety, or welfare in its proposed location, size, design, or operating characteristics. The facility represents a low-impact, secure, and professionally managed use that contributes positively to the local economy while placing minimal demands on public infrastructure. Its operational characteristics- low traffic, limited noise, and controlled access- reduce the potential for adverse impacts on the surrounding community. Additionally, the project supports broader economic and technological development goals by providing critical digital infrastructure. The proposed use aligns with the City's interest in promoting responsible growth and sustainable land use patterns.



VICINITY MAP



PROJECT INFORMATION

APN: RPRPCPP044853
ADDRESS: PHILBIN ROAD AND HOKU WAY
POCATELLO, IDAHO 83201
ZONING: (I) INDUSTRIAL
LOT SIZE: 59.75 ACRES
LOT COVERAGE: --
BUILDING COVERAGE: --
REQUIRED BUILDING SETBACKS
STREET: --
SIDE: --
SIDE: --
REAR: --
PROVIDED BUILDING SETBACKS
STREET: --
SIDE (EAST): --
SIDE (WEST): --
REAR: --
BUILDING HEIGHT: --
REQUIRED PARKING: --
PARKING PROVIDED: --

3/19/2026 3:10:40 PM - PLOT DATE

26009

POCATELLO AI
DATA CENTER

PROJECT TEAM

ARCHITECT
EDIFICE
922 N GILBERT RD,
SUITE 103
MESA, AZ 85203
T 480.590.1116
CONTACT: DANE ASTLE

OWNER'S NAME
PHILBIN ROAD AND HOKU WAY
POCATELLO, IDAHO 83201

DESCRIPTION DATE

PROGRESS SET
03.19.2026

ARCHITECTURAL
SITE PLAN

A011

AFFIDAVIT OF LEGAL INTEREST

I, Chad D. Hansen (on behalf of Portneuf Capital, LLC) reside at 225 E. Lemon Street
in the City of Lakeland, in the State of Florida, being first duly sworn upon Oath, depose and say: I
am the owner of record of the property described as:
1800 River Park Way

and I grant permission to: Gus Schultz/Lex Developments LLC, who resides at _____
in the City of _____, in the State of _____, to submit the following application(s) and
represent the owner pertaining to the property (check all that apply):

- | | |
|---|--|
| ☐ Preliminary Plat | ☐ Variance |
| ☐ Final Plat | ☒ Conditional Use Permit |
| ☐ Short Plat | ☐ Zone Map Amendment |
| ☐ Planned Unit Development | ☐ Comprehensive Plan Map Amendment |
| ☐ Annexation | ☐ Other: _____ |

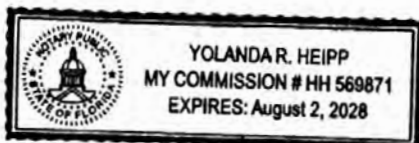
I agree to indemnify, defend and hold the City of Pocatello and its employees harmless from any claims to liability
resulting from any dispute as to the statements contained herein or as to the ownership of the property, which is the
subject of the application.

Property owner signature:  , MANAGER

STATE OF FLORIDA)
~~Idaho~~
County of POLK)
~~Butte~~ SS

Dated this 17th day of April, 2026, the property owner CHAD HANSEN (MANAGER) has
SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)



Yolanda R. Heipp
NOTARY PUBLIC FOR ~~Idaho~~ FLORIDA
Residing at: Lakeland FL
Commission Expires: _____

Sources for IV West AI Data Center Project

City of Pocatello | Conditional Use Permit Meeting | April 2026

All claims verified against primary 2025–2026 sources.

Core 2026 Industry Benchmarks

• **2026 Data Center Knowledge Base** (March 31, 2026) – JLL, Cushman & Wakefield, FERC, Enverus. Rack densities (50–140 kW AI), PUE targets (1.05–1.10 liquid-cooled), water usage (3–5M gal/day evaporative vs. near-zero closed-loop).

Specific Company & Technology Examples (2025–2026)

- **Oracle AI Data Centers** (Feb 9, 2026) – Direct-to-chip closed-loop non-evaporative systems. Ongoing community water use effectively zero.
- **Microsoft Azure** – Sealed chip-level liquid cooling (2025 deployments). >125 million liters saved per facility annually; 80% WUE improvement; new builds zero-water.
- **ZutaCore HyperCool** – Two-phase direct-to-chip achieving PUE 1.05–1.07 (OCP white paper, 2025–2026).

Pocatello Local Non-Potable Water Sources (Key Advantage)

- **Pocatello Water Pollution Control Facility (WPCF)** – Treats ~7.5 MGD average (design 12 MGD). High-quality treated effluent approved by Idaho DEQ for non-potable industrial reuse, including cooling.
- **J.R. Simplot Don Plant (Pocatello area)** – Major phosphate facility. Active wastewater treatment, recovery, and reuse program under 2023 EPA settlement. Large volumes available for beneficial industrial reuse.
- **Regional Potato Processing Wastewater** – Simplot's Caldwell plant treats 2.3 MGD with MBR technology. Idaho National Laboratory (INL) research supports potato wastewater treatment for industrial applications. Similar streams near Pocatello available.
- **Idaho DEQ Reuse Guidelines + EPA Water Reuse Action Plan 2.0** (April 2026) – Prioritize reclaimed water for data center cooling.

Pocatello Climate & Free Cooling Data

- **US Climate Data / NOAA** – Pocatello, ID (1991–2020 normals). Oct–May free cooling feasibility (5,000–7,000+ hours/year via dry coolers). Industry standard for cold-climate sites.

Additional Regulatory & Market Context

- FERC Large-Load Reports (2026) • 12+ state hybrid/dry cooling mandates • Hyperscaler RFPs (AWS, Microsoft, Google, Meta 2025–2026) • JLL/Cushman 2026 Benchmarks • World Economic Forum (Nov 2025) – up to 91% water / 50% energy reduction with liquid cooling • IBM/Cray historical records (1960s liquid cooling in HPC).
-

AI Data Center

Pocatello, Idaho

Conditional Use Permit – Public Meeting Presentation

Modern AI Cooling

How it works
& why it's required

Water Stewardship

Reduced potable
water impact

Regulatory Protection

How Pocatello &
the treatment plant
are protected

Community Benefit

Jobs, tax base,
responsible growth

The Challenge: Modern AI Chips Run Much Hotter Than Old Computers

Think of it like upgrading from a single light bulb to a stadium spotlight — the heat produced is in a completely different league.

Traditional Data Center

10–20 kilowatts per rack

- Think: hair dryers running simultaneously
- Regular air conditioning handles it fine
- Like cooling a busy office building
- Standard fans and vents work well

5–10×
more

Modern AI Data Center

50–140+ kilowatts per rack

- Think: industrial furnaces in a small space
- Air conditioning physically cannot keep up
- Liquid cooling is now required — no choice
- Like cooling a jet engine, not a bedroom

Why Air Conditioning Alone Can't Handle Modern AI — 3 Simple Reasons

1

Extreme Heat — Like Fitting a Forge in Your Living Room

Modern AI chips produce 700–1,000+ watts each. One rack of 72 chips can reach 140,000 watts (140 kW). Blowing air over that heat is like trying to cool a campfire with a fan — physically inadequate.

2

Performance Throttling — A \$3M Computer Slows Itself Down

If AI chips overheat, they automatically slow down to protect themselves. This wastes the enormous investment in the hardware. Liquid cooling keeps temperatures optimal so the equipment works as designed.

3

Energy Waste — Air Cooling Wastes 20–30% More Electricity

"PUE" (Power Usage Effectiveness) measures how efficiently a data center uses electricity. Air-cooled AI often wastes 50%+ in overhead. Liquid cooling achieves 5–10% overhead — a major efficiency gain for the community grid.

Bottom line: Liquid cooling is not a luxury — it is an engineering requirement for modern AI infrastructure.

Energy Efficiency & Pocatello's Cold Climate Advantage

What Is PUE (Power Usage Effectiveness)? (Like MPG for Data Centers)

PUE = 1.0 Perfect (impossible in practice)

PUE = 1.05–1.10 World-class (liquid AI cooling)

PUE = 1.2 Excellent

PUE = 1.5–1.6 Industry average (older facilities)

PUE = 2.0+ Poor — wastes more power than it uses for computing

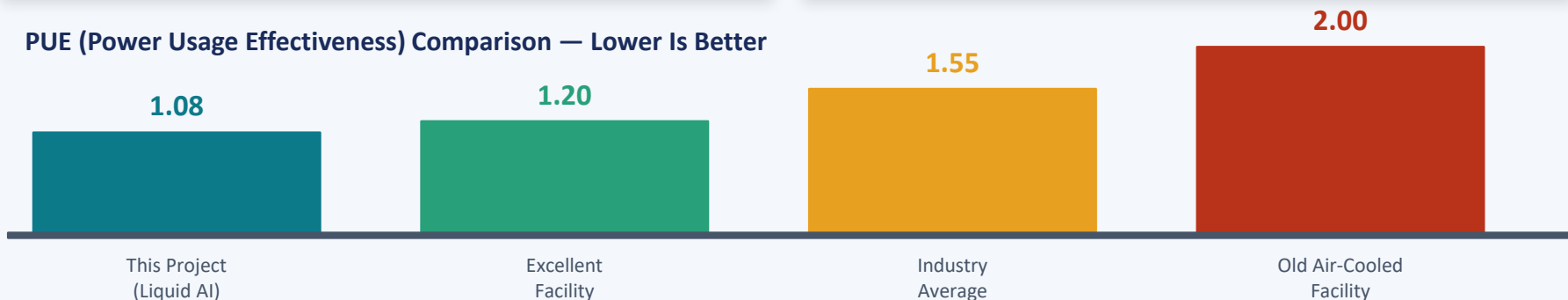
Pocatello's Built-In Climate Advantage

Winter Outdoor Air Utilization (Oct – May):

Pocatello's cold winters allow outdoor air to assist in cooling the data center for ~5,000–7,000 hours per year, significantly reducing the need for electricity-powered mechanical cooling. December through February provides near-continuous natural cooling assist.

What this means: Lower electricity bills, less strain on the local power grid, and reduced environmental impact.

PUE (Power Usage Effectiveness) Comparison — Lower Is Better



Note: A PUE of 1.08 represents the project goal based on the planned liquid cooling design. Actual PUE will vary depending on final system configuration, load levels, and operating conditions. This figure is a target estimate, not a performance guarantee.

Source: Industry PUE benchmarks (Network World 2026, Hanwha Data Centers 2025)

Water Use: What Changed and What It Means for Pocatello

OLD Method: Evaporative Cooling

3–5 million gallons per day
(peaks of 8 million on hot days)

How it works: Like a swamp cooler — water evaporates to remove heat, and that water is gone forever.

Problem: Massive, continuous drain on the local water supply. Risky in drought conditions.

→
**80–
95%
Redu
ction**

NEW Method: Closed-Loop Liquid Cooling

Near-zero ongoing potable water use

How it works: Like the coolant in your car's engine — the same liquid circulates continuously and is never consumed. Water goes in once at construction; that's it. The system is sealed and self-contained.

Key advantage: Because no water evaporates, the facility's ongoing potable water demand for cooling is dramatically reduced compared to traditional methods.

Historical context: Closed-loop liquid cooling has been used safely in high-performance computing since the 1960s (IBM mainframes, Cray supercomputers). Mass adoption by Amazon, Microsoft, Google, and Meta accelerated from 2022 onward as AI workloads required it.

This Is the 2026 Industry Standard — Not Experimental Technology

The world's largest technology companies have already adopted exactly this approach. Pocatello would be joining proven, responsible infrastructure.

Oracle

Zero Ongoing Potable Water

Oracle published in February 2026 that its new AI data centers — including facilities in New Mexico, Michigan, Texas, and Wisconsin — deploy closed-loop, non-evaporative cooling. Once filled at construction, the system circulates indefinitely. Ongoing community water use for cooling is effectively zero.

Microsoft

125 Million Liters Saved Per Facility Per Year

Microsoft's December 2024 announcement confirmed that all new data center designs from August 2024 use closed-loop liquid cooling with zero water evaporation. Pilot facilities launching in Phoenix, AZ and Mt. Pleasant, WI in 2026. Water savings: 125M+ liters/facility/year versus prior designs.

EPA Water Reuse Action Plan 2.0 (April 2026)

Federal Government Prioritizes This Approach

The U.S. Environmental Protection Agency's WRAP 2.0 specifically identifies reclaimed (treated wastewater) water for data center cooling as a priority use. Pocatello's WPCF effluent reuse aligns directly with this federal framework.

Next, we'll look at exactly how these companies handle any wastewater from their systems — and how this technology compares to other industries already operating under the same rules.

How the World's Largest Tech Companies Handle Closed-Loop Wastewater

These are not experimental approaches — they are the documented, operating practices of companies already running this technology at scale.

Oracle

Oracle, Feb 2026 (oracle.com/news)

One-Time Fill — Zero Ongoing Discharge

Oracle's AI data centers are filled with coolant once during construction. The sealed loop circulates indefinitely. There is no ongoing wastewater output during normal operation — the water never leaves the system.

Microsoft

Microsoft Local (local.microsoft.com), 2026

Glycol Hauled by Licensed Contractor — Other Water Returned to Utility

Where propylene glycol is used, Microsoft collects and hauls it to a licensed disposal facility when removed. All other cooling water is returned to the local utility for treatment identical to household wastewater. Reclaimed water and rainwater are used as input sources where available.

Amazon Web Services (AWS)

Florida Water & Pollution Control Operators Assoc., citing AWS 2023

Treated Municipal Wastewater In — Returned to Treatment Plant After Use

AWS in Virginia cools data centers with treated municipal wastewater instead of potable (drinking) water. After use, that water goes back to the treatment plant to be cleaned and reused again — a fully circular loop. AWS plans to expand this to 120+ facilities by 2030, saving an estimated 530 million gallons of fresh water per year.

Google

ProChem Water, Jan 2026

Recycled Municipal Wastewater — Purpose-Built Reuse Infrastructure

Google's data center in Douglas County, Georgia uses recycled municipal wastewater for all cooling. New Google campuses are now designed from day one with water reuse infrastructure built in.

Microsoft / City of Quincy, WA

U.S. EPA Water Reuse Case Study (epa.gov/waterreuse), July 2025

EPA-Documented Closed-Loop Brine Management — 138 Million Gallons Saved Per Year

The most detailed public case study available. Microsoft and the City of Quincy built a joint industrial wastewater treatment system. Mineral-rich brine is concentrated in lined evaporation ponds and solidified — nothing discharges to the city's sewer or waterways during operation. Permitted by the Washington State Dept. of Ecology.

This Technology Is Not New — It's Used Across Dozens of Industries

The same closed-loop chemicals, the same disposal methods, and the same federal pretreatment rules have governed these industries for decades.

Hospitals & Healthcare Facilities

Same chemicals: Propylene glycol (chosen specifically because it is safer around potable water systems than ethylene glycol), nitrite corrosion inhibitors, biocides
Disposal: Glycol collected by licensed reclamation services for reuse or certified disposal. Water-only loops discharged to sewer after lab testing under pretreatment permits.

Universities, Arenas & Large Campuses

Same chemicals: Nitrite, molybdate, glycol — identical formulation to data center closed loops — used in chilled water and hot water HVAC systems
Disposal: Industrial User Permits with the local POTW (wastewater treatment plant). Lab testing required before any sewer discharge. Glycol hauled by licensed contractor.

Pharmaceutical Manufacturing Plants

Same chemicals: Same corrosion inhibitors, pH buffers, and biocides used in process cooling loops throughout production facilities
Disposal: Full federal pretreatment program (Clean Water Act). On-site pretreatment or licensed hauler. Same Industrial User Permit framework as this data center would operate under.

Food & Beverage Processing Facilities

Same chemicals: Closed-loop cooling systems with the same nitrite/molybdate/glycol chemical profile used to cool process equipment
Disposal: On-site pretreatment required before sewer or land discharge. Subject to the same sewer surcharge and pretreatment rules under the Clean Water Act.

Iron, Steel & Heavy Manufacturing

Same chemicals: Large-scale cooling water systems with corrosion inhibitors and biocides — the original industrial use case for these chemicals, dating to the mid-1900s
Disposal: Pretreatment agreements with municipal treatment plants. On-site treatment trains for high-concentration streams. The federal pretreatment program was designed for these facilities first.

Commercial HVAC (Office Buildings, Hotels, Convention Centers)

Same chemicals: Nitrite, molybdate, glycol — standard industry formulations used in every large commercial building in cold climates, including all across Southeast Idaho
Disposal: Water-only loops discharged to sanitary sewer after lab testing. Glycol-containing water collected and hauled by licensed waste contractor. Identical to the data center protocol.

The Economic Case: What a 200 MW AI Data Center Means for Pocatello

Construction Investment

Total shell & core investment: ~\$2.26 billion

At \$11.3M per MW — JLL 2026 Global Data Center Outlook

Peak construction workers: 140–400 local tradespeople

0.7–2.0 workers per MW during 18–36 month build phase

Construction wages: 30%+ above standard rates

Electricians on data center sites earning \$120,000–\$150,000 (ConstructConnect 2025)

Note: Technology fit-out (servers, racks) is additional investment beyond shell & core

What Stays in Pocatello

Shell & site work (local scope): ~\$472M (20.9% of total)

Foundations, concrete, structural steel, paving, site work

Est. locally sourced materials: ~\$94M

Approx. 20% of shell scope: concrete, aggregate, gravel, paving (Red Hills Strategies / Consumer Energy Alliance, 2025)

Local install labor (MEP): ~\$822M

Even nationally-sourced equipment requires local electricians, plumbers, and HVAC tradespeople for installation

Local subcontract opportunities: Civil, concrete, electrical install, site work, security, ongoing maintenance

Property Taxes — 100% Stay Local

Bannock County combined levy rate: ~1.2% of assessed value

Covers all 5 local taxing districts (Satterfield Realty / Bannock County, 2025)

Tax split (approximate): School Dist. #25 ~30% · City of Pocatello ~26% · Bannock County ~26% · Roads & Ambulance ~18%

Zero goes to state or federal: All property taxes stay in Bannock County

Idaho State Tax Commission: all property tax is spent by local governments

Benchmark — Loudoun County, VA: \$0.04 in city services per \$1 of data center tax revenue vs. \$0.25 for traditional businesses

Wye Economic Development Council, March 2025

Ongoing Operations

Permanent local jobs: ~150–300+ (scales with facility size)

U.S. Chamber of Commerce Technology Engagement Center benchmark

Annual local wages: \$7.8M+ annually

Operations, maintenance, security, facilities management

Annual local economic activity: \$32.5M+ per year

U.S. Chamber of Commerce / ConstructConnect

Ongoing contracts: Maintenance, security, landscaping, utilities — available to local firms long-term

All figures are estimates based on current industry benchmarks and available data. Actual construction investment, job numbers, wages, tax revenue, and local spend will vary based on final project scope, contractor selections, market conditions, and Bannock County Assessor valuations. These figures are not a guarantee of performance or outcome.

Complete Summary: What the City and Public Can Count On



Liquid cooling is an engineering requirement — not a preference. Modern AI racks at 50–140+ kilowatts (kW) cannot be air-cooled.



Oracle, Microsoft, AWS, and Google all operate closed-loop systems with verified wastewater protocols — documented and publicly confirmed.



Dozens of industries — hospitals, pharmaceutical plants, food processors, steel mills, commercial buildings — have used these same cooling chemicals and disposal methods for decades under the same federal rules.



The federal pretreatment program (Clean Water Act) was specifically designed to handle exactly this type of industrial cooling system and has done so successfully for decades.



The economic figures in this presentation — including construction investment, local job numbers, wages, and tax revenue projections — are estimates based on current industry benchmarks. Actual numbers will vary based on final project scope, contractor selections, market conditions, and Bannock County Assessor valuations. These figures are not a guarantee.



Pocatello's cold winters are estimated to allow outdoor air to assist in cooling for approximately 5,000–7,000 hours per year, potentially reducing the need for mechanical cooling. These figures are estimates based on current climate data and are not a guarantee of performance.

Executed Hearing
Examiner Amended
Decision issued 5.19.26

AMENDED FINDINGS OF FACT AND DECISION

CITY OF POCA TELLO HEARING EXAMINER

HEARING HELD MAY 14, 2026

City Hall Council Chambers, 911 North 7th Avenue, Pocatello, Idaho

Instrument # 22605992
Bannock County Pocatello, Idaho
05/19/2026 03:18:55 PM No.
Recorded for City of Pocatello
Jason C. Dixon Fee \$0.00
Deputy: J McDonald

APPLICANT: Gus Schultz
OWNER: Portneuf Capital, LLC
REQUEST: Conditional Use Permit for potential data center
LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853
GENERAL LOCATION: 1800 River Park Way
STAFF: Jennifer Flynn, Assistant Planner

REQUEST & BACKGROUND:

Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the Mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

Per code **17.01.160: USE CLASSIFICATIONS:**

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to public health, safety, and general welfare.

As noted in section C:

C. Unlisted Use; Authorization of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.

2. Process: The director shall render an interpretation, as governed by section [17.02.180](#) of this title.

3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:

- The use is consistent with the intent and purpose of the applicable zoning district;
- The use is similar to and of the same general type as the uses listed in the zoning district;
- The use has similar impacts as the uses listed in the zoning district; and

d. The use has similar impacts on the community facilities as the uses listed in the zoning district. Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations and water, sanitary sewer and storm drainage systems.

4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

Physical Characteristics of the Site: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

Notification: Notice was posted on the subject property and published in the Idaho State Journal on April 28, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit.

Hearing Examiner Authority to Grant: The Hearing Examiner may approve, approve with conditions, or deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

CONDITIONAL USE PERMITS (CUP): 17.02.130.A DEFINITION:

Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses.

DECISION & CONDITIONS:

Based on review of the application for the conditional use permit, analysis of the staff report, and the applicants' presentation received during the public hearing regarding this conditional use permit application, the Hearing Examiner **denies the conditional use permit**, finding the application does not meet the standards for approval under Chapter 17.02.130 D of Pocatello Municipal Code.

FINDINGS OF FACT:

1. The Hearing Examiner discloses that she visited the site to observe the physical character and relationships of the subject property and surrounding area and viewed the subject property on Google Maps. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing. The Hearing Examiner states that there is nothing personally or professionally that would not allow an impartial or unbiased decision.
2. City Staff received 95 written comments prior to the public hearing.
3. Over 120 written public comments were received by the time the public hearing closed and over 90 public comments were heard during the hearing.
4. A public hearing was held on Thursday, May 14, 2026, beginning at approximately 5:33 pm and closing at approximately 9:58 pm.

CRITERIA FOR REVIEW: The Hearing Examiner shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Conditional Use Permit Review Criteria Analysis

REVIEW CRITERIA (17.02.130.D):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.130.D1	Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.
			<i>Findings</i>	Yes, this land is zoned Industrial. According to 17.01.160.4.b.2: Heavy industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing. Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
			<i>Findings</i>	Future Land Use designates the subject property to be industrial for future use. Data centers are most similar to Heavy Industrial uses as described in 17.01.160.
☒	☐	☐	17.02.130.D3	Is compatible with existing and permitted land uses within the general area.
			<i>Findings</i>	This corridor is industrial and if a potential data center use is approved, would be compatible with other industrial uses.
☐	☒	☐	17.02.130.D4	Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
			<i>Findings</i>	The Hearing Examiner finds that the application does not adequately address that the project could be served by public facilities and services. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies

				should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.
☒	☐	☐	17.02.130.D5	Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
			Findings	Adjacent land uses are similar and fit within the industrial use classification. Landscape buffers will be required per City standards.
☐	☒	☐	17.02.130.D6	Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
			Findings	Based on the limited information provided, the Hearing Examiner finds that the question of environmental impacts has not been adequately addressed. The applicant has failed to provide sufficient information necessary for meaningful review. Studies including utility impact analyses, environmental assessments, infrastructure mitigation measures, and long-term operational impacts showing that this project meets local, state, and federal standards for emissions, power demands, water utilization, and wastewater discharge.
☐	☒	☐	17.02.130.D7	Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.
			Findings	The Hearing Examiner finds that the application does not adequately address that the project would not be detrimental to the public interests, health, safety, or welfare of the city. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.

APPLICANT NOTICE:

Notice is hereby given that this decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 14 days of this recorded decision.

RESPECTFULLY SUBMITTED this 19th day of May 2026.



Kathleen Lewis, City of Pocatello Hearing Examiner

STATE OF IDAHO)

ss:

County of Bannock)

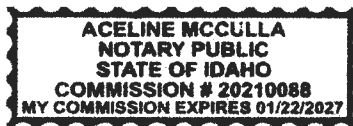
On this 19th day of May 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Hearing Examiner Kathleen Lewis on behalf of the City of Pocatello, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that she executed the same.

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



Aceline McCulla
Notary Public for Idaho
Residing at Pocatello, Idaho

Seal



FINDINGS OF FACT AND DECISION
CITY OF POCATELLO HEARING EXAMINER
HEARING HELD MAY 14, 2026
911 NORTH 7th AVENUE, POCATELLO, IDAHO

Instrument # 22605957
Bannock County, Pocatello, Idaho
05/18/2026 03:11:06 PM No.
Recorded for: CITY OF POCATELLO
Jason C. Dixon Fee: \$0.00
Deputy: aleavitt

APPLICANT: Gus Schultz

OWNER: Portneuf Capital, LLC

REQUEST: Conditional Use Permit for potential data center

LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853

GENERAL LOCATION: 1800 River Park Way

STAFF: Jennifer Flynn, Assistant Planner

REQUEST & BACKGROUND:

Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the Mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

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PHYSICAL CHARACTERISTICS OF THE SITE: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

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DECISION & CONDITIONS:

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1. The Hearing Examiner discloses that she visited the site to observe the physical character and relationships of the subject property and surrounding area and viewed the subject property on Google Maps. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing. The Hearing Examiner states that there is nothing personally or professionally that would not allow an impartial or unbiased decision.
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				Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
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APPLICANT NOTICE:

Notice is hereby given that this decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 14 days of this recorded decision.

RESPECTFULLY SUBMITTED this 18th day of May 2026.



Kathleen Lewis, City of Pocatello Hearing Examiner

STATE OF IDAHO)

ss:

County of Bannock)

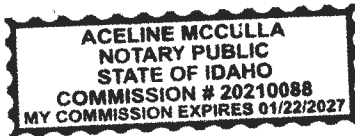
On this 18th day of May 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Hearing Examiner Kathleen Lewis on behalf of the City of Pocatello, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that she executed the same.

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



Aceline McCulla
Notary Public for Idaho
Residing in Pocatello, Idaho

Seal



UTILITY COMMENTS
FOR HEARING EXAMINER
MAY 14, 2026 MEETING
FILE: CUP26-003
LEX DEVELOPMENT

May 14, 2026

Mr. Brent McLane
Planning & Development Services Director
City of Pocatello
911 North 7th Avenue
Pocatello, ID 83201

Subject: Lex Development Data Center at the Former Hoku Site

Dear City of Pocatello Planning & Development Services Team,

We appreciate the opportunity to engage with the City of Pocatello regarding the proposed Lex Development data center project at the former Hoku Site.

As a regulated electric utility, Idaho Power has an obligation to provide safe and reliable service to all customers within our service area. Accordingly, we are committed to working collaboratively with the City of Pocatello and prospective developers to evaluate the feasibility of providing electric service.

At this stage, our evaluation of the Lex Development data center project is limited to preliminary engineering analysis. While our initial analysis provides a foundational understanding of the interconnection requirements, more detailed studies will be necessary to fully define the scope of required infrastructure and generation resources, as well as the associated costs and timeline.

These subsequent customer-funded studies are necessary to identify the upgrades and generation required to service this load without compromising existing service reliability for the community. Based on this very preliminary analysis, Idaho Power believes it can provide the requested power without impacting service to existing Idaho Power customers. However, Lex Development will need to fund upgrades to support transmission, substation, distribution and generation resources on our system, and the timing and cost of these upgrades will need to be further refined through additional study. Identification and development of new generation resources will likely drive the in-service timeline for this project.

We also want to clearly communicate a key regulatory and customer equity principle. Energy-intensive customers, such as data center developments, are required to fund all costs associated with connecting to and upgrading the electric system to serve their load. This “growth-pays-for-growth” framework is foundational to how Idaho Power operates its system, and ultimately ensures no cost-shifting between new projects and our existing customers.

We look forward to continued coordination with City staff and Lex Development as more project details become available and as additional studies are completed. Please feel free to reach out if you have any follow-up questions regarding this project or next steps.

Sincerely,



Matthew Stucki

REGIONAL CUSTOMER RELATIONS MANAGER

✉ mstucki@idahopower.com
☎ (208) 220-6110
📍 301 E Benton St, Pocatello, ID 83201



Nathan Murray

ECONOMIC & COMMUNITY DEVELOPMENT

✉ nmurray@idahopower.com
☎ (208) 736-3210
📍 243 Blue Lakes Blvd S., Twin Falls, ID 83301



May 14, 2026

City of Pocatello
Hearing Examiner
5815 South 5th Avenue
Pocatello, ID 83201

Subject: Conditional Use Permit – Potential Data Center - Schultz

To whom it may concern:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer the following comments:

Wastewater

The information indicates that the proposed data center may utilize the reuse of treated wastewater from the City of Pocatello or other nearby industries. This proposal would require a Reuse Permit and significant wastewater treatment upgrades to ensure that the treated wastewater meets the minimum quality parameters for such activities. The applicant should be advised that treatment upgrades are costly and may take several years to accomplish. Additionally, the development of a reuse permit could take between 6 months to 1 year.

Air Quality

Any business or industry (source) in Idaho that emits, or has the potential to emit, pollutants into the air is required to have an air pollution control permit or exemption from DEQ.

It is anticipated that this project will require an air quality permit from Idaho DEQ for the proposed gas turbines and anticipated emergency generators. The DEQ air quality permit will be required prior to the commencement of construction.

DEQ Permit information can be found on the DEQ website: www.deq.idaho.gov, or by contacting the DEQ Air Quality Permit Hotline 1-877-573-7648

Our general recommendations for land development projects are also attached.
If you have questions or comments, please contact me at (208) 236-6160 or via email at Allan.Johnson@deq.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allan Johnson', is positioned above the typed name.

Allan Johnson, P.E.
Regional Engineering Manager
DEQ Pocatello Regional Office

EDMS#

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office
Melissa Gibbs, Air Quality Manager, DEQ Pocatello Regional Office

General Recommendations

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

Engineering

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

Air Quality

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.

02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

Surface Water Quality

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

Waste Management - Hazardous Material - Petroleum Storage

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most commonly associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the

release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.

Flynn, Jennifer

From: Johnson,Becky <becky.johnson@idfg.idaho.gov>
Sent: Thursday, May 14, 2026 1:42 PM
To: _City.Council; Flynn, Jennifer
Subject: IDFG Comments on Conditional Use Permit 26-003 – Proposed Pocatello Data Center

Pocatello Planning Staff and City Council Members,

The Idaho Department of Fish and Game (IDFG) appreciates the opportunity to comment on the Notice of Public Hearing for Conditional Use Permit 26-003 for a proposed data center in Pocatello, submitted by Mr. Gus Schultz.

The Idaho Department of Fish and Game's mission is to preserve, protect, perpetuate, and manage Idaho's fish and wildlife resources for the public benefit (Idaho Code § 36-103). Idaho's fish and wildlife resources, along with the recreational opportunities they provide, hold significant cultural and economic importance for the state's citizens. In support of this mission, we offer the following technical input for your consideration.

Avoiding, minimizing, and mitigating impacts to aquatic habitats and important recreational fisheries is a priority for IDFG. Development and infrastructure projects have the potential to pose substantial risks to these resources if not carefully evaluated and planned.

The application materials for the proposed data center note "reduced potable water impact" and "near-zero ongoing potable water use" due to the use of a closed-loop cooling system. However, no estimate is provided for the volume of non-potable water required. Non-potable water sources are essential for maintaining healthy aquatic and riparian habitats in the Portneuf River. The Portneuf River's aquatic and riparian habitats are already impaired due to eroding banks, excess sediment, and elevated water temperatures that stress cold-water aquatic life. Flow conditions in the mainstem Portneuf are further affected by irrigation storage and delivery, as well as permitted and unpermitted withdrawals and diversions.

While closed-loop cooling systems significantly reduce freshwater consumption, they can still pose water-quality risks. Wastewater discharge from these systems typically contains heated water used in cooling IT racks. Discharging warm water into local waterbodies can disrupt aquatic ecosystems. Additionally, recirculated water can accumulate minerals and treatment chemicals that must be periodically discharged, potentially affecting municipal wastewater systems and downstream water quality.

Based on the information provided to date, the proposed use appears inconsistent with the City of Pocatello's Comprehensive Plan, specifically its goal to "*protect and enhance the quality and quantity of ground and surface water resources in the Portneuf River Valley.*" The project also conflicts with the Plan's commitment to "*preserve our natural resources, including clean air and water, by restoring what has been damaged and adopting sustainable development practices.*"

Given these concerns, IDFG recommends that the applicant further refine and engineer the project specifications and conduct a detailed analysis of potential effects on aquatic and riparian habitats in the Portneuf River. We encourage the City to require this information prior to considering issuance of a Conditional Use Permit.

Thank you for the opportunity to provide comment. We are available to discuss these recommendations or provide additional technical assistance as needed.

Becky Johnson

Technical Assistance Manager
Idaho Department of Fish and Game
1345 Barton Road
Pocatello, ID 83204
O: 208.236.1258

M: 208.251.2588



PUBLIC COMMENTS
RECEIVED AFTER THE
AGENDA POSTED AND
THROUGH THE END
OF THE MAY 14, 2026
PUBLIC HEARING.

FILE: CUP26-003

LEX DEVELOPMENT

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Pocatello AI Data Center
Date: Monday, May 11, 2026 10:48:27 AM

PC 1

-----Original Message-----

From: Abraham Copeland <abejcopeland@gmail.com>
Sent: Saturday, May 9, 2026 11:57 AM
To: Nichols, Anne <anichols@pocatello.gov>
Cc: _City.Council <City.Council@pocatello.gov>
Subject: Pocatello AI Data Center

[Some people who received this message don't often get email from abejcopeland@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Mayor,

It is a complex issue, while data centers provide the "backbone" for our digital lives, their physical footprint on a local community can be quite heavy.

Here is a summary of the primary drawbacks associated with hosting large-scale data centers:

1. Massive Resource Consumption

- **Water Usage:** Many centers use "evaporative cooling" to keep servers from overheating. This can consume millions of gallons of water per day, often competing with local agriculture or residential needs during droughts.
- **Energy Strain:** Data centers are "always-on" industrial loads. They can strain local power grids, sometimes leading to increased utility rates for residents or delaying the transition to green energy because the local demand is so high.

2. Environmental & Noise Impact

- **Acoustic Pollution:** The massive industrial fans required for cooling run 24/7. For residents living nearby, this often manifests as a constant, low-frequency hum that can impact sleep and mental health.
- **Heat Islands:** The sheer amount of heat exhausted from these buildings can raise the ambient temperature in the immediate vicinity.

3. Limited Economic "Trickle-Down"

- **The Job Paradox:** While construction creates temporary surges in employment, a finished data center is highly automated. A massive facility might only employ 30 to 50 permanent staff, which is very low compared to the land area they occupy.
- **Tax Breaks:** Many companies only settle in a town after securing significant tax abatements, meaning the community might not see the expected windfall for local schools or infrastructure for years.

4. Land Use and Aesthetics

- **"Data Center Alleys":** These buildings are essentially windowless, giant concrete boxes. They take up hundreds of acres of land that could have been used for housing, parks, or diversified retail, often "killing" the visual character of a rural or suburban landscape.

5. Infrastructure Wear and Tear

- **Construction Disruption:** The years-long build phases involve heavy trucking, dust, and traffic on roads that may not have been designed for industrial-scale logistics.

A Quick Reality Check: It is worth noting that some modern designs are moving toward "closed-loop" cooling to save water and heat-reuse systems to warm local homes, but these aren't yet the industry standard.

Abraham Copeland

Flynn, Jennifer

From: Nichols, Anne
Sent: Wednesday, May 13, 2026 8:11 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: A.I Data Center Concerns

From: Addilyn Reinhold <addilynreinhold08@gmail.com>
Sent: Tuesday, May 12, 2026 7:42 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: A.I Data Center Concerns

Hello, I just wanted to send a message with my concerns regarding the proposed Pocatello A.I Data center. There are many reasons why this data center would be detrimental to this city and why I urge you all to vote against this proposal.

A.I data centers are extremely harmful to a city's water supply. The World Resources Supply finds that these facilities are projected to use up to 32 billion gallons of water annually across the United States. Individually, mid-sized facilities can use up to 300,000 gallons of water in a single day. For communities around the United States where these facilities have been placed, individuals are suffering the consequences every single day. They have less access to clean drinking water, less food, and drastically decreased health. While this proposal claims to use less water, it can only be so effective. Closed-loop cooling systems have extreme amounts of additives and chemicals that make the process occur. However, this process of water cycling can lead to corrosion, and with that comes leaks. These leaks put dangerous chemicals into rainwater, drains, and back into our environment. This actively puts our citizens in danger, our crops, our animals, and our city.

On the note of effects on the community, an argument presented in favor of this data center is its ability to provide jobs. But how will citizens work if they can't eat or drink? If the air is too polluted to breathe? They won't. We will see fewer citizens working and, in fact, a large driving out of Pocatello residents that value their health and safety. I, for one, would be heavily encouraged to move if this data center were implemented. And I would not be the only one. Think of the Idaho State University students who would not want to move to a town that is being destroyed by the very people voted in to protect them. No one wants to live in a town like that.

I recognize that there is economic appeal to this data center, but I ask you to weigh the real economic impacts. While revenue may initially come from jobs, investors, etc., in the long term, money will be lost. Costs that come from fixing broken water systems, a public health crisis, losing citizens, and losing that economic circulation. This data center will do nothing but harm our community.

As a young individual who has grown up in Pocatello, I have seen how truly beautiful this city can be. From our beautiful nature to the people. All of that is destroyed when you vote yes on this data center. I respect all of you as well-educated and compassionate individuals. This city council is one that many people in this town voted for. But what we voted for is not the destruction of our water, our nature, and Pocatello. We voted for the protection of our community and for our voices to be heard. So hear our voices. Listen to every email, letter, and person who speaks against this data center. Please, vote no and preserve Pocatello.

Research on the harms of data centers:

[Land and Water Impacts](#)

[Human Impacts](#)

Thank you,
Addilyn Reinhold

Flynn, Jennifer

From: Cameron Thompson <cameronthompson@isu.edu>
Sent: Saturday, May 9, 2026 5:58 PM
To: Planning
Cc: Nichols, Anne; Swanson, Ann
Subject: File CUP26-003 / No to AI Data Centers

Some people who received this message don't often get email from cameronthompson@isu.edu. [Learn why this is important](#)
Good afternoon,

My name is Cameron Thompson and I am concerned about the possibility of an AI Data Center being built in Pocatello, or anywhere in Idaho, for that matter. Because I will be unable to attend the public hearing on this matter, a city council member recommended I email my concerns to the Planning Department.

My answer to an AI Data Center being built in Pocatello is: No.

Here are my thoughts.

(I will link all referenced articles at the bottom of this email)

1: According to an article published by the Idaho State Journal, the proposed data center would consume 100 megawatts of electricity annually - this is the amount that Pocatello consumes in a year, as per Idaho Power. We do not have the infrastructure for this project. I support upgrading our infrastructure for our growing city, but not for an AI Data Center. Instead, we need to focus our resources for our population. People are the priority, not data centers. Even if the data center created its own power, it would likely be deafening. I will discuss this soon.

2: If the proposed data center constructed its own power and even if this had no effects on the residents of Pocatello's power bills, there is the thermal heat factor. Dr. Ben Abbot, a professor of ecology at BYU, states based off of calculations by Robert Davies, a physics professor at USU, that a data center proposed in the Box Elder County (UT) would produce heat that could affect the environment:

"This could change the climate of the northern end of Utah, including Great Salt Lake," Abbott said. "There are always unintended consequences. If you look right around that valley, we have farmers, we have ranchers, we have wildlife (and) we have Great Salt Lake. All of those would be impacted just by the thermal footprint of this operation." (KSL.com, see included link)

I do not know the exact differences between the data center proposed in Pocatello versus the one in north Utah. I am, however, concerned that a data center in Pocatello would increase temperatures that could impact our daily comfort, farms, wildlife, and even snow levels, such as at Pebble Creek during the winter. This could obviously damage our economy and our way of life.

Our snowpack that we rely on cannot afford any more raises in temperatures. This year's limited snowpack is an excellent example why. Granted, this past winter may likely, and hopefully, be an outlier in our state's overall weather history. This does not mean that we should assume we can afford any increases in our temperatures. How severe would the impact have been if the data center had already been built and running this last winter? My guess? It certainly would not have helped and it would have instead made things worse.

3: Another important factor to consider is noise. Overall, we live in a quiet city. Yes, we have the railroad making temporary noises. Imagine if we constantly had loud noises, or the sound of a jet engine airliner constantly taking off, but never leaving. This noise would be beyond a deafening nuisance and would affect people, pets and wildlife in a negative way.

I will link videos from Wisconsin and Mississippi that may give you an idea of how loud data centers can be. If the proposed Pocatello data center had its own powerplant, it could sound just like the one in Mississippi (see link). I am no professional on how sound interacts with our environment. However, I would be concerned with how far sound would travel from a data center and how it would affect nearby neighborhoods, kids, pets, parks, playgrounds and wildlife.

Besides being an annoying sound that could ruin and overpower the sounds of nature on nearby trailheads, I am also concerned about how the noise would affect our health. In an article published by Jennifer Biddle, UC Davis, noise can be a major health concern. Noise levels can raise stress, blood pressure and anxiety - all of which would negatively affect our health.

4: A data center in Pocatello would make a negative impact on our environment. Even if the plant's cooling ran on a "closed loop" of water, water is still taken out of our cycle. We live in Idaho. Our governor declared a statewide drought in April. We need to make adjustments throughout our population and way of life to conserve water, not use more of it. It is a limited resource and we need it for our economy.

We need water to grow food. Agriculture is a major part of our economy. Our current agricultural methods require a massive amount of water. An article published by BSU states that 97% of our state's withdrawn water is for agriculture. As our climate evolves and changes, we may see more or less water. My bet is less.

We need to prepare for the worst, but we can still hope for the best. We should not use our precious resources, that is the crutch of our economy, for a data center that provides a negligent amount of financial or any benefit, if any at all. We live in Idaho. Our precipitation levels are comparable to a desert. We cannot afford to waste water on something that offers so little return. It is not worth it.

5: Light pollution. We all love to look up and admire the stars. We need to ensure we will be able to see them in the future. We need to think of future generations and their quality of life, what state of environment they will live in and this includes the simple things like being able to look up and see the stars.

To close, this proposed data center would be a short term gain for long term pain. Yes, it would create lots of good paying construction jobs. Yes, it has the potential to create a boost in our city's taxes. Yes, most notably, it would finally give a purpose to the building that has sat vacant for so long.

How many jobs - and I mean permanent, full time and good paying jobs, would this actually create? Not enough, is my bet. Data centers do not require a lot of manpower. This is a data center. Not a manufacturing plant. This will not fill the void that was left by the Hoku and due to my reasons listed above, would not be worth trying to fill using the method of an AI Data Center.

Let's say this data center does offer a tax boost to our city. What about the cost? I mean the public scrutiny cost. If our city allows this to be green-lighted, I foresee the public opinion on our city, and our city management, nose diving and creating resentment. This is what is currently happening in Utah:

<https://youtube.com/shorts/anYiPUdKcGE?si=Ea62ScybnTbhHiPZ>

Right now, when I think of our city's management, I feel good about it. They maintain our beautiful city and are constantly putting our tax dollars to good use, such as new roads, maintaining parks, upgrading utilities and so much more. Even if we get even more tax dollars from a data center and can do more for the city, I do not believe the benefits will outweigh the costs of a data center. We would be sacrificing our environment for tax dollars. I do not believe that would be the right choice to make.

The small victory of finding a purpose for the empty building would be drowned out by the costs of what is required to make this proposal happen. It is not worth the cost.

This would be a massive strain on our environment. Heat pollution, light pollution, noise pollution, power and water use are all factors that prove how bad of a proposal this is for the city, or anywhere in Idaho.

We all live here and we all call this our home. Please keep it as quiet, cool and hydrated as possible. We do this by not allowing a data center to be built in our city.

Thank you.

-Cameron Thompson

Reference Links:

-Idaho State Journal:

https://www.idahostatejournal.com/news/local/defunct-hoku-plant-could-become-ai-data-center-under-new-proposal/article_0e7c1dfb-abea-4557-9c9f-b6149f7292fe.amp.html

-CNN Environmental Impacts

<https://www.cnn.com/2026/03/30/climate/data-centers-are-having-an-underreported>

-Mississippi Data Center Power Plant Noise

<https://youtu.be/ShV7y5ZhFiY?si=O0gJHFK5GT4UgXq6>

-US NWS March Climate, Pocatello

<https://www.facebook.com/share/p/1E2ttGLwQz/>

-IDWR Snow Water Equivalency

<https://idwr.idaho.gov/water-data/water-supply/snow-water-equivalency/>

-Utah Scientist Concerns

<https://www.ksl.com/article/news/utah/environment/scientists-raise-concerns-over-hyperscale-data-center-impact-on-ecology/51494260>

-Wisconsin Data Center Noise Complaint

<https://youtu.be/gc5XZJfF0kQ?si=uRqV1LALEJ4COJ6L>

-UC Davis Health Affects of Noise

<https://coeh.ucdavis.edu/research/how-noise-pollution-quietly-affects-your-health>

-Utah Public Provide Their Opinions on Data Center Approval

<https://youtube.com/shorts/anYiPUdKcGE?si=Ea62ScybnTbhHiPZ>

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: No to proposed data center
Date: Monday, May 11, 2026 10:48:42 AM

From: Elizabeth Bolinger <bolieliz@gmail.com>
Sent: Friday, May 8, 2026 7:39 PM
To: Nichols, Anne <anichols@pocatello.gov>; _City.Council <City.Council@pocatello.gov>
Subject: No to proposed data center

You don't often get email from bolieliz@gmail.com. [Learn why this is important](#)
Dear Mayor Helfrich and Pocatello's City Council,

I have read the article in the Idaho State Journal about the proposed data center on the former Hoku site. Though the article mentions economic opportunity, and I want Pocatello to thrive as much as the next citizen, I **strongly** oppose and disagree with this proposal.

Pocatello has just suffered its warmest and driest winter in a generation. The state as a whole is looking at the possibility of major drought this summer. The environmental impact of using as much power as the entire city AND the water use proposed will negatively affect both current Pocatellans and generations to come. I also believe it will cause economic harm to Pocatello in the long run as it drives people away from town as their quality of life declines as well as prohibit new residents. The city already has a perception problem, and I appreciate that the Mayor ran on a platform of trying to change that. However, to allow in this data center, something that makes people's quality of life so poor, would compound the problem.

I recently saw part of a *60 Minutes* piece interviewing a lady who lives near a data center in Georgia. Her property's water flow is non-existent—she must now keep water in jugs to flush toilets or do laundry, dig a well, and constantly filter her water because of the mineral deposits. The piece made me so sad, and the thought that could happen in the city I love so much makes me feel sick to my stomach.

I urge you, for the good of Pocatello's future, please vote **no** on this conditional use permit and data center.

Sincerely,
Elizabeth Bolinger

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Formal Opposition to Lex Developments AI Data Center – Resident Concerns & Questions
Date: Monday, May 11, 2026 10:48:59 AM

PC 5

From: Emma Fox <efoxfogle01@gmail.com>

Sent: Friday, May 8, 2026 7:28 PM

To: Nichols, Anne <anichols@pocatello.gov>; _City.Council <City.Council@pocatello.gov>

Subject: Formal Opposition to Lex Developments AI Data Center – Resident Concerns & Questions

Hello Mayor Mark Dahlquist and member of Pocatello City Council,

I am a Pocatello resident and am very concerned about the potential of an AI data center being constructed in Pocatello. While there may be minor economic benefits for the city and county, the long term harm to the community and the environment should be more pressing. At the end of the day, this data center may only employ 15 people long term, is that worth selling out the health and well being of the local community?

The concerns I have are as follows:

"Power at that scale will not be available immediately, and Lex Developments is working with Idaho Power and Intermountain Gas to bridge the gap, with gas turbines expected to supplement power in the interim."

Gas turbines emit smog-forming pollution, fine particulate matter, and hazardous chemicals like formaldehyde. These pollutants are tied to increases in asthma, respiratory diseases, heart problems, and certain cancers. A standard 10 megawatt data center is estimated to produce 37,668 metric tons of CO₂ annually (Eslami, 2025). A data center should not be a potential death sentence for a community's health. Allowing a company to operate dirty turbines that emit pollution and known carcinogens, this plan looks to be following a shameful, familiar pattern: asking rural communities to bear the toxic brunt in the name of "innovation".

This "interim" turbine solution sounds like it could become permanent if grid upgrades face delays or cost overruns. Temporary gas permits are often easier to obtain than long-term grid upgrades. Once the "gap" is bridged by Idaho Power and Intermountain Gas, who fronts the bill for the increased power demand? "The data center is expected to require up to 100 megawatts of electricity — a figure Idaho Power has noted is roughly equivalent to what the entire city of Pocatello consumes in a year." In some regions, household power bills are expected to rise by over 25% by 2030, according to an analysis by Carnegie Mellon University. Pocatello is not a high earning community. I have a significant concern that local residents will see their utility bills spike to subsidize this massive increase in demand, which creates an unfair burden on rural communities once again.

The company is touting a closed loop system for cooling, citing a decrease in water demand, which is true and does decrease water demand by a significant amount. That does not make water demand zero. There is still a need for makeup water due to evaporative losses. The initial and makeup water required will be withdrawn from municipal water sources, south east Idaho is facing a prolonged drought, is this a good use of a limited resource? The clean usable

water will be withdrawn from municipal sources and be returned as waste water containing various contaminants, including chemicals used in cooling systems, heavy metals, and other pollutants

The amount of heat that is generated by these data centers is staggering, to the point that local "heat islands" are created, warming the surrounding land by up to 16 degrees. In a high-desert environment, like Pocatello, where evening cooling is essential for local agriculture and quality of life, a constant 16-degree plume of heat can prevent the ground from cooling at night. This increases the cooling load for surrounding homes, further raising resident utility bills.

"Lex Developments also cites Pocatello's climate as a meaningful advantage, noting that the city's cold winters allow outdoor air to assist in cooling for an estimated 5,000 to 7,000 hours per year, reducing reliance on mechanical cooling systems for much of the calendar year."

This winter (2025-2026) is the warmest winter on record for Pocatello with the lowest snow totals the area has seen on record (Idaho State Journal 4.13.2026). The prediction models for south east Idaho show a continuing trend of increasing temperatures and decreasing snowfall. In models from the McClure Center Idaho is predicted to warm anywhere from 6 degrees to 11 degrees by 2100, which may seem like it's a lifetime away but your children and grandchildren will be faced with these consequences (Abatzoglou, J. T., Marshall, A. M., Harley, G. L., 2021). The reliance on cold winters in Pocatello is short sighted and frankly disingenuous.

Data centers not only emit air and heat pollution but noise pollution as well. They use massive industrial fans that run 24/7. Unlike a passing train, this is a constant low-frequency drone. The constant hum from data centers has been linked to increased blood pressure and anxiety levels from residents in communities affected by data centers (Monserrate S.G. 2022). Low-frequency noise can interfere with animal communication and migration patterns. The area proposed for this data center to be constructed is right near a popular recreation area and an important wildlife area. Pocatello residents have a right to quiet and frankly so do the wildlife inhabiting the area.

There are major gaps in the long term harm that comes from AI data centers but so far that harm is documented as children with increased rates of asthma, increased rates of various types of rare cancers, declining mental health, increased utility bills, major disruption of local wildlife and the list continues to grow over time. If this is allowed the city is trading its limited resources for very few local career opportunities relative to the massive footprint of the project.

My questions for the City of Pocatello are:

How long will the gas turbines be in use?

Is there a legally binding sunset date for the use of gas turbines, and what happens if Idaho Power cannot meet the 100-megawatt demand by that deadline?

What is being done to assess the air pollution to be produced by these gas turbines?

Will the city require independent, 24/7 air quality monitoring at the site perimeter while the gas turbines are in operation, and will that data be accessible to the public in real-time?

How will this 100-megawatt increase impact our local grid and residents' electrical bills?

Can the City Council guarantee, in writing, that all grid upgrade costs will be borne by the developer and not passed on to ratepayers through "infrastructure recovery" fees?

Will the city require a pre-construction acoustic model and a post-construction noise audit to ensure the low-frequency "hum" does not exceed decibel levels known to cause sleep disruption or anxiety in residential zones?

In the event of a Stage 2 or Stage 3 water shortage in Pocatello, will the data center be required to curtail operations to prioritize residential water access?

Citations:

Defunct Hoku Plant Could Become AI Data Center Under New Proposal. Idaho State Journal. May 8 2026

No snow, no water: East Idaho's warmest winter ever signals a desperate summer ahead. Idaho State Journal. April 13 2026

Air quality and greenhouse gas emissions assessment of data centers in Texas: Quantifying impacts and environmental tradeoffs. Eslami, E. 2025. arXiv.

<https://doi.org/10.48550/arXiv.2509.21312>

Observed and Projected Changes in Idaho's Climate. Idaho Climate-Economy Impacts Assessment. Abatzoglou, J. T., Marshall, A. M., Harley, G. L. 2021. James A. & Louise McClure Center for Public Policy Research, University of Idaho. Boise, ID

The Staggering Ecological Impacts of Computation and the Cloud. Steven Gonzalez Monserrate. 2022. The MIT Press Reader.

Best,

Emma Fox

Pocatello Resident, University Area Neighborhood

From: [Flynn, Jennifer](#)
To: [Nichols, Anne](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: RE: Data Center
Date: Wednesday, May 13, 2026 8:50:42 AM

PC 6

From: Nichols, Anne <anichols@pocatello.gov>

Sent: Wednesday, May 13, 2026 8:14 AM

To: Flynn, Jennifer <jflynn@pocatello.gov>; McCulla, Aceline <amcculla@pocatello.gov>; McLane, Brent <bmclane@pocatello.gov>

Subject: FW: Data Center

From: Eliza Schmidt <eschmidt06@gmail.com>

Sent: Wednesday, May 13, 2026 7:51 AM

To: _City.Council <City.Council@pocatello.gov>

Subject: Data Center

Some people who received this message don't often get email from eschmidt06@gmail.com.
[Learn why this is important](#)

Dear council members,

A friend compiled this, and I think it's insightful. The idea a data center so close to an area that so many people love, is just rude. Maybe one in the future when the technology doesn't harm local areas with noise, heat, and most importantly water loss, then it might be worth a look.

Have you looked at the water level in the river lately? Looks like late August, not mid May. Please hold off. I liked the idea of a river park, with shops, dining, and places to enjoy the river, not something that will destroy it.
Thanks for your consideration~

Eliza Schmidt

Here is a summary of the primary drawbacks associated with hosting large-scale data centers:

1. Massive Resource Consumption

- **Water Usage:** Many centers use "evaporative cooling" to keep servers from overheating. This can consume millions of gallons of water per day, often competing with local agriculture or residential needs during droughts.
- **Energy Strain:** Data centers are "always-on" industrial loads. They can strain local power grids, sometimes leading to increased utility rates for residents or delaying the transition to green energy because the local demand is so high.

2. Environmental & Noise Impact

- **Acoustic Pollution:** The massive industrial fans required for cooling run 24/7. For residents living nearby, this often manifests as a constant, low-frequency hum that can impact sleep and mental health.
- **Heat Islands:** The sheer amount of heat exhausted from these buildings can raise the ambient temperature in the immediate vicinity.

3. Limited Economic "Trickle-Down"

- **The Job Paradox:** While construction creates temporary surges in employment, a finished data center is highly automated. A massive facility might only employ 30 to 50 permanent staff, which is very low compared to the land area they occupy.
- **Tax Breaks:** Many companies only settle in a town after securing significant tax abatements, meaning the community might not see the expected windfall for local schools or infrastructure for years.

4. Land Use and Aesthetics

- **"Data Center Alleys":** These buildings are essentially windowless, giant concrete boxes. They take up hundreds of acres of land that could have been used for housing, parks, or diversified retail, often "killing" the visual character of a rural or suburban landscape.

5. Infrastructure Wear and Tear

- **Construction Disruption:** The years-long build phases involve heavy trucking, dust, and traffic on roads that may not have been designed for industrial-scale logistics.

A Quick Reality Check: It is worth noting that some modern designs are moving toward "closed-loop" cooling to save water and heat-reuse systems to warm local homes, but these aren't yet the industry standard.

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: No to AI data center
Date: Monday, May 11, 2026 10:49:16 AM

PC 7

-----Original Message-----

From: Grace Jory <gracejory@gmail.com>
Sent: Friday, May 8, 2026 6:57 PM
To: Nichols, Anne <anichols@pocatello.gov>; _City.Council <City.Council@pocatello.gov>
Subject: No to AI data center

Dear Mayor Dahlquist and Pocatello city council members,

Though I will not be able to attend the town hall next week, please note my opposition to the proposal for an AI data center in Pocatello. The environmental impact would be detrimental to our town, unsustainable from a water supply standpoint and disruptive to the neighbors.

I've also heard issues regarding fire access and safety with the proposed site.

Thank you for listening to your constituents and holding a town hall regarding this matter. We appreciate your leadership.

Best,
Dr. Grace Jory

Flynn, Jennifer

From: Lee Eyerman <leyerman@gmail.com>
Sent: Tuesday, May 12, 2026 5:44 PM
To: Planning
Subject: Public Comment — Lex Developments Conditional Use Permit, May 14 Hearing

[Some people who received this message don't often get email from leyerman@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Hearing Examiner,

My name is Lee Eyerman, a Pocatello resident. I am also a retired attorney.

I write in opposition to the conditional use permit requested by Lex Developments for an AI data center campus at the former Hoku site, and I respectfully urge denial.

Under Pocatello Municipal Code 17.02.130.D, the Hearing Examiner must find, among other things, that the proposed use is compatible in intensity with adjacent permitted uses, that public services are adequate to serve it, and that the use will not be detrimental to public health, safety, and welfare. The application fails each of these tests.

1. The proposed intensity is not compatible with Pocatello's infrastructure. The applicant's own presentation describes a 200 MW full buildout across seven buildings — roughly twice the electricity that the entire City of Pocatello consumes in a year. Idaho Power has confirmed power at that scale is not available, and the applicant proposes to bridge the gap with on-site gas turbines. A single facility that doubles a city's electrical load is not, by any reasonable reading, compatible in intensity with adjacent permitted uses. This is a regional industrial undertaking dressed as a conditional use on a local parcel.

2. Public services are inadequate to serve the use. The CUP review criteria require a finding that public services exist or can be made available. The applicant's application is explicit that grid power at the necessary scale does not currently exist and that Idaho Power's impact analysis is incomplete — it is listed as a post-approval deliverable. Approving a permit before the utility has completed its impact analysis reverses the proper sequence. The City should require the Idaho Power study, the water and wastewater capacity studies, and the air quality analysis before the permit is acted on, not as conditions attached after approval.

3. The interim gas generation creates a foreseeable health and safety problem. Pocatello sits in a valley subject to severe wintertime temperature inversions. The Portneuf Valley airshed already experiences PM2.5 and ozone exceedances. Adding gas turbines sized to support a 100–200 MW computing load — even on an interim basis — introduces a continuous combustion source upwind of residential neighborhoods and schools during the precise weeks of the year when the valley cannot disperse emissions. No condition can responsibly mitigate that siting mismatch.

4. Ratepayer cost-shifting is virtually certain absent enforceable protections that are not in the application. In every comparable U.S. market with hyperscale data center growth — Northern Virginia, central Ohio, parts of Texas — utility capital investment to serve data center load has been recovered from general ratepayers. Twenty-seven states are currently considering legislation specifically to stop this. Idaho has no such protection in statute. The applicant has not committed to a large-load tariff or cost-causation agreement with Idaho Power. The City should not gamble Pocatello's residential and small-business electric bills on the hope that one will be negotiated later.

5. The water representation is a marketing assertion, not a permit term. The applicant's reference to closed-loop cooling is taken from Oracle and Microsoft press materials, not from binding engineering specifications in this application.

Industry practice has consistently been to retain the option to convert to evaporative cooling as compute density and ambient conditions change. Until a specific cooling design is submitted, reviewed by qualified engineers, and made a binding permit term, this representation has no enforceable weight.

6. The site's history counsels caution, not haste. The Hoku parcel has been the subject of a polysilicon plant that went bankrupt, a metals company that defaulted, a sports dome that never broke ground, and now a \$2 billion data center. The pattern at this site is ambitious promises followed by orphaned obligations. Approval of a permit of this magnitude, before the underlying utility, water, air, and financial assurance questions have been answered, repeats that pattern.

The applicant's economic projections are drawn from industry benchmark documents, not from a binding commitment to Pocatello. The risks — to residential electric bills, to inversion-season air quality, to long-term site liability — are concrete, local, and irreversible. The asymmetry is unacceptable.

I respectfully urge the Hearing Examiner to deny the conditional use permit and to require the applicant to return with completed utility, air quality, and water studies, binding cooling and ratepayer-protection terms, and posted financial assurance for decommissioning before the City entertains the application again.

I know AI and technology. I will fight this legally at every level. See you Thursday.

Respectfully,
Lee Eyerman
4845 Clearview Ave
Pocatello, Idaho

Flynn, Jennifer

From: Nichols, Anne
Sent: Tuesday, May 12, 2026 8:17 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Proposed AI data center

From: Patricia Bolinger <bolipatr@gmail.com>
Sent: Monday, May 11, 2026 11:22 PM
To: Nichols, Anne <anichols@pocatello.gov>; _City.Council <City.Council@pocatello.gov>
Subject: Proposed AI data center

You don't often get email from bolipatr@gmail.com. [Learn why this is important](#)
Hello Mayor and City Council members,

I read the article in the Idaho State Journal about the proposal to use the defunct Hoku plant for an AI data center. I know Pocatello needs new businesses, but I am very concerned about the environmental impact of allowing an AI data center to move into Pocatello.

Advertised are the number of people who will be employed as the facility is constructed, but I don't think many of those jobs will be needed past the construction and will be temporary.

I understand the power demands for such a data center could be as large as for the entire city for a complete year. I am glad to hear that Idaho Power will be doing an impact analysis concerning the huge amount of power that would be needed.

I also understand that AI data centers require huge amounts of water. This is concerning, especially in our current year where we are experiencing a water shortage already. It seems the company explains that there will be "zero water use" in the same way that a car's cooling system works. There are other places, such as in Georgia, where that has not been the case.

Thank you for seriously considering these concerns. I am hoping Pocatello can find other businesses to fuel our economic development without the negative environmental impact.

Patty Bolinger

Flynn, Jennifer

From: Paul Schmidtlein <paulschmidtlein@yahoo.com>
Sent: Tuesday, May 12, 2026 9:39 PM
To: Planning
Cc: Christine Rodriguez
Subject: Data Center at the old Hoku Plant

Public Comment Submission

To: Pocatello Hearing Examiner & City Planning Department
Regarding: Conditional Use Permit (CUP) Request for the Pocatello AI Data Center (Old Hoku Plant Site)
Hearing Date: May 14, 2026

I am writing to formally oppose the granting of a Conditional Use Permit for the proposed AI Data Center at the old Hoku plant site. While the city staff report frames this project as a "low-impact employment use," it completely fails to account for irreversible cultural and environmental desecration.

1. Desecration of Sacred Cultural Resources (Petroglyphs)

Directly adjacent to the proposed project site are ancient petroglyphs—sacred rocks and teachings of the Shoshone-Bannock peoples. These cultural items are not static museum pieces; they are a living part of the landscape.

- **The Threat:** Operating a 100-megawatt data center requires massive, industrial cooling fans and backup generators that run 24/7/365. The persistent vibration, low-frequency hum, and immense heat dissipation from this facility will directly envelop these sacred rocks.
- **The Criteria Failure:** Pocatello zoning code requires a CUP to be "compatible with the surrounding area." Forcing a massive industrial heat and noise footprint onto an ancient, sacred space is a profound incompatibility and a cultural desecration.

2. Downstream Impact on the Fort Hall Bottoms

The project site sits directly next to the Portneuf River, just a few miles upstream from the Fort Hall Bottoms. The city has failed to conduct a comprehensive Environmental Impact Study (EIS) to analyze how localized groundwater pumping and thermal changes will affect downstream river flows. Under the 1990 Fort Hall Water Rights Agreement, the Shoshone-Bannock Tribes hold senior water rights that must be protected from off-reservation degradation.

Conclusion and Request for Action

Because the City of Pocatello has not conducted a full EIS, and because the current plan places an industrial "AI factory" right next to sacred tribal teachings and the Portneuf River, I urge the Hearing Examiner to **deny the Conditional Use Permit**. At a minimum, the city must table this request until a comprehensive Cultural Resource Survey and an Environmental Impact Study are completed in full consultation with the Shoshone-Bannock Tribes.

Wado-Thank you
Paul Schmidtlein, Enrolled member of the Cherokee Nation of Oklahoma
Pocatello, Idaho

[Yahoo Mail: Search, Organize, Conquer](#)









From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Data Center
Date: Monday, May 11, 2026 10:50:05 AM

PC 11

From: Rachel Krammen <rachelkrammen@gmail.com>

Sent: Friday, May 8, 2026 5:37 PM

To: _City.Council <City.Council@pocatello.gov>

Subject: Data Center

Some people who received this message don't often get email from rachelkrammen@gmail.com. [Learn why this is important](#)

Dear City Council Members,

My name is Rachel Krammen, a constituent at 410 La Valle Strada here in Pocatello. I am emailing about the proposed data center. I'd like to express my concern about its impacts to our environment and local way of life. We have seen the severe impacts of data centers in cities all over the country, and I would like to urge you to vote against allowing a data center to be built in Pocatello.

Thanks for your time,

Rachel Krammen

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Please vote NO on AI data centers in Pocatello
Date: Monday, May 11, 2026 10:49:47 AM

PC 12

From: Rachael Levay <rachaelemann@gmail.com>
Sent: Monday, May 11, 2026 10:21 AM
To: _City.Council <City.Council@pocatello.gov>; Nichols, Anne <anichols@pocatello.gov>
Subject: Please vote NO on AI data centers in Pocatello

Some people who received this message don't often get email from rachaelemann@gmail.com. [Learn why this is important](#)
Dear Mayor Dahlquist and Members of the Pocatello City Council,

I am writing today to request that the city of Pocatello refuse to issue a conditional use permit for the building of an AI data center at the location of the defunct Hoku plant. I have read that proponents of issuing this permit see investment opportunities through the creation of jobs and tax generation, but there is broad evidence that AI data centers add neither significant or especially well-paid [jobs](#) (Brookings, 2026), other than in short-term construction work, nor [tax revenue](#) (CNBC, 2025) -- but do [heavily use water and utilities that our community can't afford](#) (Consumer Reports, 2026) while vastly increasing pollution.

Our community has long pledged an interest and desire to see substantive investments in job creation, but data centers' biggest investment is in environmental degradation. Communities see spikes in [air pollution](#), [water pollution and overuse](#), [toxic waste](#), and ["forever plastics."](#) I have appreciated the investments the current city council and mayoral office have begun this year, from planting trees to making sidewalks safer and more accessible, both of which will better our community. We also live in a university town, where we benefit from the expertise of a vibrant scientific community, and are fortunate to live alongside and with nature. Approving this permit, and building an AI data center, will create few jobs, be unlikely to increase our tax base, and will actively worsen the health and safety of our citizens as well as the natural environment around us. We are currently in the midst of a terrible drought, after years of drought, and reducing our already limited resources to benefit out-of-state corporate interests would be unethical and unconscionable. Please vote no, and prioritize our community's safety and well being.

All the best,
Rachael Levay
948 N Garfield Ave
Pocatello, ID 83204
206-446-3395

From: [Roz Prestvich](#)
To: [Planning](#)
Subject: Fw: Meta got a \$3.3 billion tax break for its \$10 billion AI data center — and it could consume 20% of Louisiana's power
Date: Monday, May 11, 2026 10:44:16 PM
Attachments: [ATT00001.png](#)

PC 13

Some people who received this message don't often get email from ezesports@mail.com. [Learn why this is important](#)

Hearing Examiner for the Data Center proposal, my name is Bob Prestwich.

I do outside industrial sales for Electrical Wholesale. See my info below. The Data center proposal is in my wheel house.

All I do is call on Simplots, Monsanto (Bayer), INL Nuclear, Mines etc...I cover Industrial construction from Moses Lake WA to Vernal UT the other way.

I attached a article below that I hope you'll read.

Data centers in my opinion are a way for a few to get rich off the resources of communities that feel they need them.

Bullet points.

1)It will use thousands of gallons of water everyday 24/7. depending on size it may use as much as the rest of the city does each day.

2)After the winter we just had we don't have the water. We really don't have it on a good year.

3)I just talked to a local electrician that just came from working on Data Centers in Texas and Iowa. All items worth much money were purchased ahead of time from out of state. Many items coming from Korea/China.

Nothing for the local economies on that point.

4)Also all the labor was brought in from out of state because building data centers is all they do.

5)Once up and running how many people does it take to stand and watch servers run? Not very many.

Again depending on size I'd guess 20n to 30 people. Not much to the community on that point.

6)They'll probably want a tax break. Which they don't need based on the money they'll make 24/7 once running.

7)The attached article covers a lot of what I've said. It's in Louisiana. but it's to scale with what we're talking about.

Smaller data center. smaller community.

8)I'm into selling Industrial products and jobs and this won't do it. I've been around construction my whole life. About 50 years now.

9)Some restaurants and hotels will make some money for a short period of time. but that doesn't make it worth it.

Sorry for jamming those together. but they said if it was more than two pages it might not make the cut.

We don't need a community stuck with a bad deal. These data centers are going all over the country trying to find cities willing to appease them.

I could go on. but I think you get the point.

Please feel free to contact me to ask any questions. I love Pocatello and I want it to grow and prosper. but in my opinion this is a fool's errand.

Thank you for your time. It is appreciated.

Bob Prestwich

P.S. It's my wife's Bday this weekend and we have plans to be out of town or I would come to the hearing. It's important enough. but so is she.

Sent: Monday, May 11, 2026 at 4:23 PM

From: "Robert Prestwich" <bob.prestwich@electricalwholesale.com>

To: "Roz Prestvich" <ezesports@mail.com>

Subject: Meta got a \$3.3 billion tax break for its \$10 billion AI data center — and it could consume 20% of Louisiana's power

<https://finance.yahoo.com/economy/policy/articles/meta-got-3-3-billion-101500029.html>

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(I) SUPPLY CO., INC.
"Friends Serving Friends"

Robert Prestwich - Outside Sales

Phone: 208-233-1362

Mobile: 208-241-9929

bob.prestwich@electricalwholesale.com

220 W Maple St, Pocatello, ID 83201

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify us immediately and delete the message from your system.

From: Shayla Crane <shayray0@gmail.com>
Sent: Sunday, May 10, 2026 5:53 PM
To: Nichols, Anne; Paulsen, Hayden; Nichols, Brent; Mangum, Corey; Bates, Dakota; Satterfield, Stacy; Swanson, Ann; Nichols, Anne; Ferrin, Shawnie; Planning
Subject: Say NO to AI Data Center in Pocatello

Some people who received this message don't often get email from shayray0@gmail.com. [Learn why this is important](#)
Hello,

My name is Shayla Crane and I live here in Pocatello. I do not want the old Hoku plant to be turned into an AI data center. Here are my main reasons why:

- 1.
- 2.
3. Higher electricity usage and increased
4. cost for residents
- 5.

<https://hls.harvard.edu/today/how-data-centers-may-lead-to-higher-electricity-bills/>

- 2.
- 3.
4. Risks to public health and environment:
5.
 - a.
 - b.
 - c. "Since AI data centers rely heavily
 - d. on the fossil-fuel energy of power plants, they run the risk of increasing local pollution and threatening public health in already vulnerable rural locations. AI centers, on top of their energy use from the grid, also employ backup generators in case of grid
 - e. failure; these diesel generators can release 200 to 600 times more nitrous oxides (NOx) than a natural gas plant while producing the same amount of energy. NOx pollution can cause irritation in the eyes, throat, and nose, as well as more severe cases of respiratory
 - f. infection, reduced metabolism, and even death." <https://sites.uab.edu/humanrights/2025/10/02/construction-and-consequences-the-human-impacts-of-artificial-intelligence-data-centers/>
 - g.
- 6.

- 7.
8. Noise and light pollution
- 9.

Please say NO to an AI data center here in Pocatello.

Shayla Crane

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Pocatello Data Center "Rumors"
Date: Monday, May 11, 2026 5:06:10 PM

PC 15

From: Victoria Ryan <victoriaryan@isu.edu>
Sent: Monday, May 11, 2026 5:02 PM
To: _City.Council <City.Council@pocatello.gov>; Nichols, Anne <anichols@pocatello.gov>
Subject: Pocatello Data Center "Rumors"

You don't often get email from victoriaryan@isu.edu. [Learn why this is important](#)
Dear City Council Members and Mayor Dahlquist,

Today, I was on a trail run up City Creek, one of my favorite places, and for the duration of my run, I could not escape the intrusive thoughts of a Data Center. *Here*. In Pocatello, Idaho. It worries me greatly, for many reasons.

The recent news out of Box Elder County, Utah, for starters. Not only about the data center, but how it might go down. I think the first thing I would like to share with you, as your constituent, is that I am requesting total and full, complete transparency. The truth. Full financial disclosures, research studies, etc.

I am also requesting full scientific evaluation with impact studies from non partisan experts in the field- if this data center were to be considered.

I did a few Ecosia web searches, with different verbiage to see how many data centers are in Idaho. I followed it up with a Google search. Both yielded the same result, today, May 11, 2026, a google search reveals that there are 17 data centers in Idaho, with 8-10 large scale centers.

Interestingly, all my searches listed the "proposed" data center here, in Pocatello, as already been approved- **like it's a done deal**. This is why I kept searching using different verbiage.

Box Elder County started as "rumors," and within 2 weeks time, the machine was already moving. No studies. No input from constituents. Nothing. Just steam rolling by billionaires that don't live there.

I worry about this happening to us. I know my friends and neighbors worry about this too. Large scale or small scale. It does not matter. I will be frank. I am anti data center. I would prefer a rotting Hoku plant to one.

Over the years, after reading articles and seeing what other data centers have done to communities, I am of the opinion that data centers do not benefit the communities they inhabit. They are typically funded by a large company that has no local interest and will have no financial return to the community. Data centers do not exist quietly. They create constant noise pollution. Light pollution. They utilize energy and water that is already scarce. They dump contaminated water that has been used to cool the servers back into the environment. They create heat islands. The list goes on and on.

Finally, Most data centers have a life span of 10 - 15 years, often data centers are *obsolete in 20 years*. That's it. Then what is left? Another Hoku-like mess, but with larger scale destruction of the natural world around it? All for a quick payout and possibly one hundred jobs- that by the way, will probably be replaced with AI after a few years of opening.

I spend roughly five days a week on our local trails biking or running. Being in nature, moving with nature is my chosen lifestyle. Living in Pocatello allows me to have this lifestyle that I love, everyday I feel so lucky that I get to live here. I worry that a data center at the proposed location, on the Portneuf River near the trails, will interfere with the health of Pocatellans and Pocatello's natural world. And this is what makes Pocatello really so special.

When I get outside, mostly, I'm out there for the critter experiences- birds, weird bugs, little rodents, deer, moose, skunks and cougars... believe me, I could share a lot of wild and funny encounters with you from over the years. Being able to access uncrowded trails and hear the silence or the rustling of snakes into the grass or a meadowlark regale me with their amazing call or the sweet "*cheeseburger*" of the black capped chickadee are part of living life here. The constant hum, the imposing structure, the light pollution, these will impact our little part of the world.

I also believe that Pocatello could be an example to other communities in this situation. Pocatello can represent bravery and standing up to big data/tech and billionaires. Most importantly, Pocatello can stand up for her people and the land it is built on. She can do this by not bending the knee to the almighty dollar, by putting the futures of our children and the health of our constituents first. By instead doing what is right, to preserve our planet , and what makes Pocatello and Idaho so wonderful.

As your constituent, I think a data center isn't worth it, regardless of the payout. I'll keep Hoku.

Thank you for your service and your time.

Respectfully,
Ellie Ryan

V. Ellie Ryan, PA-C, MPH
(208)484-9198
242 South 7th Avenue
Pocatello, Idaho 83201

Flynn, Jennifer

From: Nichols, Anne
Sent: Wednesday, May 13, 2026 11:51 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: No to the Data Center proposal

From: Ronald Bolinger <ronbolinger48@gmail.com>
Sent: Wednesday, May 13, 2026 11:49 AM
To: Nichols, Anne <anichols@pocatello.gov>; city.council@pocatello.com
Subject: No to the Data Center proposal

You don't often get email from ronbolinger48@gmail.com. [Learn why this is important](#)
Mayor Dahlquist and the Pocatello City Council,

Just a brief note to encourage a no vote on the proposed AI Data Center at the old Hoku plant site. I certainly understand the prospects of economic development for Pocatello and I want to see our city develop, but if you investigate around the nation and look into the facts of other locations, it is clear that to bring a center like this that would consume unbelievable amounts of water and electricity could and would eventually ruin the town that we have invested our lives into.

Our city government is charged with developing our city, but not at the expense of the welfare of our citizens. Just imagine a municipality with a permanent shortage of resources. The developers don't live here, so why would they care? I can tell you that we, who are Pocatello residents, care deeply.

Listen, do your homework and learn the facts. Thank you for your careful consideration.

Best,
Ron Bolinger
3131 Dartagnan Drive
Pocatello, Idaho

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Proposed AI data center at old Hoku plant
Date: Wednesday, May 13, 2026 11:07:54 AM

PC 17

From: Paulsen, Hayden <hayden.paulsen@pocatello.gov>
Sent: Wednesday, May 13, 2026 11:06 AM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: Fwd: Proposed AI data center at old Hoku plant

Sent from my iPhone
Begin forwarded message:

From: Andrea Kayser <andreakayser@isu.edu>
Date: May 13, 2026 at 10:36:57 MDT
To: "Paulsen, Hayden" <hayden.paulsen@pocatello.gov>
Subject: Proposed AI data center at old Hoku plant

You don't often get email from andreakayser@isu.edu. [Learn why this is important](#)
Hi Hayden,

I somehow missed this news last week in the Idaho State Journal. Is it too early in the morning to say HELL NO to a data center?

Does the City Council have a role to play in the decision-making? According to the Journal article, the Hearing Examiner at the May 14th presentation has the authority to approve the project outright! I am opposed. It's a bad idea.

It won't end with the preliminary proposal -- the data center will somehow provide fewer jobs than projected and suck up more water and electricity, pump out more waste, and produce more noise and heat. It will be an eyesore in the Portneuf River corridor.

It was nice chatting with you at the legislative campaign kickoff. Thank you,
--Andrea

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#)
Subject: FW: Proposed AI Data Center Opposition
Date: Wednesday, May 13, 2026 11:39:50 AM

PC 18

I know it went to Brent, but I want to make sure you receive it.

Anne Nichols, CAP,OM,BW,HR,RM

Pocatello Chief of Staff | Office of Mayor and City Council | Phone: (208) 234-6164 | www.pocatello.gov

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From: Jack Mitchell <mitchelljack48@gmail.com>

Sent: Wednesday, May 13, 2026 11:21 AM

To: McLane, Brent <bmclane@pocatello.gov>; Nichols, Anne <anichols@pocatello.gov>

Subject: Proposed AI Data Center Opposition

You don't often get email from mitchelljack48@gmail.com. [Learn why this is important](#)

Dear Planning Director McLane and Mayor Dahlquist,

I am writing to express my strong opposition to the placement of an AI Data Center in our community. I wanted to show up in person to the City Council Meeting tomorrow, however I have to work. Speaking of work, I should mention that these views are my own as a private citizen.

This AI Data Center has the potential to negatively impact our community in a myriad of ways.

Water: While the proponents of the center mention that it has a modern, closed loop cooling system, these systems still take an inordinate amount of water to fill initially and keep topped off. The use of harsh chemicals in these systems could pose a threat to our already threatened Portneuf River and the surrounding environment and community. AI companies have proven to be poor neighbors in water consumption, such as this one in Georgia that siphoned millions of gallons of water from the community without authorization or consequences: <https://www.tomshardware.com/tech-industry/georgia-data-center-used-29-million-gallons-of-water>. Southeast Idaho is in one of the most severe snow-droughts on record and many farmers in the area are expected to have their water curtailed this year. Is now the time to build something that could have such a big impact on water resources? Where will they get their water rights anyway?

Environment and Power: According to the Idaho State Journal, this data center will double the energy demand of the city, necessitating major upgrades to the power grid, and increases in power generation. These costs are supposed to be handled by the company building the data center, however in many places across the US, the cost of increased power demand has been passed on to the rate payers, in this case Pocatello Citizens, who are already strained in an affordability crisis partly due to increased fuel costs. Idaho Power has said they would use gas turbines to power the center until upgrades to the grid are complete. This would be a huge increase in particulate and greenhouse gas pollution in our city and would impact air quality for our citizens. Whether you believe in climate change or not, the data is pretty clear that the long term weather patterns in SE Idaho are changing in a way that is impacting water

availability, wildfire season length and severity, and agriculture (ask any farmer without using the term climate change, and they will tell you the growing season is different now than it was 30 years ago). Do we want to contribute to this through a highly power intensive AI Data Center that adds no real value to our community?

Community Values: The AI Boom is an existential threat to humanity according to many experts such as Nobel Laureate Geoffrey Hinton and Yoshua Bengio. Proponents such as Mark Zuckerberg want AI to replace human interaction and "cure human loneliness" (<https://www.cnn.com/2025/05/09/mark-zuckerberg-says-ai-can-replace-human-relationships-expert-disagrees.html>) but do we really want a world in which people interact more with their phones than with each other? In this increasingly polarized world, I believe we should be talking more with other real people, not with AI agents controlled by a handful of silicon valley tech moguls. AI has already impacted the ability to discern what is real and what is fake. In a world of misinformation and polarized newsfeeds, we don't want AI-generated realities tailored for everyone's world view and controlled by these tech moguls who have already proven themselves to be untrustworthy with social media apps designed to keep us on our phones longer and push people towards extremist ideologies (<https://www.orfonline.org/expert-speak/from-clicks-to-chaos-how-social-media-algorithms-amplify-extremism>).

The City of Pocatello Mission Statement, according to Mayor Dahlquist's city website, states: "*Pocatello is a vibrant community promoting a high quality of life through innovation, growth, respect, inclusiveness and pride in who we are.*" I fear that building an AI Data Center right here in Pocatello would contribute to a technology that undermines many of the values we hold dear here and that make this city an amazing place to live. The upside of short term construction jobs and increased city revenue are far outweighed by the negative impacts of this Data Center in particular and AI Technology in general. Perhaps we could find a use for that land and space that would be a positive force in the community - a gathering place or recreational area that strengthens bonds and improves our quality of life. I strongly urge the Mayor, City Council, and Planning and Zoning to reject the conditional use permit.

Thank you,

Jack Mitchell

From: Nichols, Anne
Sent: Wednesday, May 13, 2026 1:03 PM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Data Center

-----Original Message-----

From: Lynda Macbutch <lmacbutch@icloud.com>
Sent: Wednesday, May 13, 2026 12:53 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: Data Center

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Per the new Data Center, I am very against it!

The reasons among many include:

Water being pulled out of the Portneuf River and then polluted water put back into the river, that is used by many Pocatello residents for recreation.

Air Pollution

Light Pollution

A huge amount of electricity used, that will in turn increase the price of Pocatello's resident's electricity.

After the initial building of the Data Center, it will employ very few people.

The temperature of the valley will go up 10 to 15 degrees.

We already have the FBI Data Center in Pocatello.

Why aren't we looking at clean and healthy uses for those existing buildings and land.

Lynda MacButch
66 year resident

Sent from my iPhone

From: Nichols, Anne
Sent: Wednesday, May 13, 2026 1:04 PM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Online Form Submittal: Email the Pocatello City Council

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 13, 2026 12:28 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name	Keven Lewis
Email Address	kevenforidaho@gmail.com
Phone Number	6156491359

Message Greetings Council Members,

I am writing to express my concern regarding the proposed data center project in Pocatello.

While some residents have advocated for the project because of the jobs it may create, it is important to recognize that many of those jobs would be temporary construction positions that provide only short-term economic benefit. According to Idaho Commerce provisions, the facility would only be required to maintain approximately 30 permanent jobs at an average wage consistent with Bannock County averages in order to qualify for incentives. At the same time, the tax exemptions available to such facilities would significantly limit any long-term revenue benefit to the city itself.

Beyond the economic concerns, there are serious quality-of-life issues that deserve consideration. Residents in communities with existing data centers have reported constant industrial noise from cooling systems and onsite power generation equipment. Pocatello's topography could potentially amplify this noise across surrounding neighborhoods and outdoor recreation areas. This raises concerns not only for nearby residents, but also for the broader character of our community and access to the outdoor environment that many residents value.

Energy consumption and emissions are also significant concerns. Idaho Power has indicated that the proposed electrical demand could be supplemented through onsite gas-powered generation. If a substantial portion of the facility's power ultimately comes from natural gas turbines, the resulting emissions would be considerable and could contribute to worsening local air quality and increased public health impacts over time. Studies examining similar facilities in other regions have associated large-scale fossil-fuel-powered data infrastructure with increased pollution-related health risks, including respiratory illness and higher hospitalization rates.

There are also broader environmental concerns related to heat generation, water usage, and increasing strain on regional infrastructure. Large industrial facilities can contribute to localized temperature increases and higher overall electricity demand as surrounding residents and businesses consume more energy for cooling during extreme summer temperatures. In a region already facing increasing climate pressures and drought concerns, these impacts deserve careful study before any approval is granted.

Finally, I believe it is important to ask what kind of long-term future we want for Pocatello. A project that provides limited permanent employment while introducing industrial noise, increased emissions, and additional strain on local infrastructure may not represent the best path forward for our community. Pocatello deserves sustainable economic development that protects both public health and the natural environment that makes this region unique.

I respectfully ask the Council to carefully evaluate the long-term economic, environmental, and public health consequences of this proposal and to oppose the project unless these concerns can be fully and transparently addressed.

Thank you for your time and consideration.

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Flynn, Jennifer

From: Julia Phelps <pheljuli@isu.edu>
Sent: Wednesday, May 13, 2026 9:09 AM
To: _City.Council; Planning; Nichols, Anne
Subject: Proposed AI data center - VOTE NO

Some people who received this message don't often get email from pheljuli@isu.edu. [Learn why this is important](#)
Hello all,

My name is Julia Phelps and I am a concerned constituent of the Pocatello community. As someone who has lived in Pocatello my whole life and now works in the health sector, I care deeply about the health and wellbeing of this community.

The proposed AI data center would harm our community's health and wellbeing in a number of ways.

AI data centers contribute to the production of PFAS that can accumulate both in the environment and in the human body, causing long term health impacts. Researchers have found that PFAS have negative impacts on fetal growth, organ development, reproductive health, and other biological processes and have been linked to causes of cancer. This is especially concerning for high risk groups such as children, elderly, and people with pre-existing conditions.
<https://www.eesi.org/articles/view/data-centers-are-contributing-to-pfas-forever-chemical-pollution>

Additionally, large AI data centers are known to consume up to 5000 million gallons per day. Pocatello and Idaho as a whole are already in a resource desert and suffer the impacts of drought including but not limited to negative impacts on food production and agriculture as well as increasing wildfires. Humans can only survive a few days without water. Water shortages are reducing water availability, negatively impacting our communities and their health.
<https://www.eesi.org/articles/view/data-centers-and-water-consumption>

From the standpoint regarding social determinants of health, power demands from AI data centers are contributing to higher energy bills. For members of our community who are already struggling economically, higher energy bills will be another obstacle to meeting their basic health and wellness needs.
<https://www.eesi.org/articles/view/data-center-power-demands-are-contributing-to-higher-energy-bills>

There are many other concerns related to environmental and economic impact in both the short and long term, however for the purposes of this email and my professional expertise, I will speak only to the impacts on health and wellness. As a member of the health sector working in community agencies that serve our most vulnerable, I see patients who come from all walks of life. All political ideologies are represented and so when I say this is not a political problem it is because decisions such as these impact the health of all of us, regardless of political stance. But it is our most vulnerable who are impacted first. The Pocatello City Council Mission Statement declares, *"Pocatello is a vibrant community promoting a high quality of life through innovation, growth, respect, inclusiveness and pride in who we are."* A choice to build an AI data center would directly oppose this mission in regards to upholding and striving for high quality of life for all who live here.

I urge the City Council to recommend denial of the application of a conditional use permit based on its negative impacts to the health and wellness of the Pocatello community.

Thank you for your time and consideration,
Julia

Flynn, Jennifer

From: Kendell, Konni
Sent: Wednesday, May 13, 2026 8:23 AM
To: Brett Hiltbrand
Cc: Flynn, Jennifer; Murphy, April; McLane, Brent
Subject: RE: Testifying in favor of Conditional Use Permit 26-003

Thank you for providing your comments regarding the proposed data center. I will forward your email to the Planning & Development Services Department, so they can include your comments in the public record for the Hearing Examiner.

As this is a land use issue that may come before the City Council, the City Council and the Mayor cannot engage in conversations outside of a City Council Meeting per Idaho Code. The State of Idaho's Land Use Planning Act clearly dictates how issues like this are to be handled, and we don't want to jeopardize the ability to participate in final discussions and decisions should this item come before the Council at a future meeting. They have a quasi-judicial role in land matters and cannot "hear testimony" outside of our official meetings.

Please know that we appreciate your comments, and we will follow this issue closely.



Konni R. Kendell
 City Clerk
 Office of the Mayor & City Council
 Phone: (208) 234-6217
 Pocatello.gov

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Please use the link below to request City of Pocatello records.

<https://cityofpocatelloid.nextrequest.com>

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From: Brett Hiltbrand <bjhiltbrand@gmail.com>
Sent: Wednesday, May 13, 2026 7:09 AM
To: Kendell, Konni <kkendell@pocatello.gov>
Subject: Testifying in favor of Conditional Use Permit 26-003

You don't often get email from bjhiltbrand@gmail.com. [Learn why this is important](#)
 Hello,

I wanted to come to the public hearing to be held tomorrow in regards to the proposed data center to be built on the Hoku property, but I have prior engagements at that time. Therefore, I would like to enter into the record the prepared statement that I would have made in favor of the application:

Good evening. My name is Brett Hiltbrand, and I live at 382 Lavender St. I am here to speak in favor of this CUP. I approach this application from two specific professional perspectives: first, as a DevSecOps Engineer who manages the security and infrastructure for production-level products in data centers like this, and second, as someone with Planning and Zoning Commission experience in our local area.

From a planning perspective, we must look at the "spirit" of the Industrial zoning district. This site—the former Hoku property—is a location engineered for heavy-load industrial use. The only reason we are at a public hearing today is a technicality: "data center" is not explicitly listed as a named use in our current code.

However, "Industrial Compute" fits the intent of this district perfectly. It utilizes heavy industrial infrastructure to produce a modern utility—data—just as a factory uses infrastructure to produce physical goods. Approving this isn't "changing" the neighborhood; it is finally fulfilling the industrial promise of a site that has sat dormant for far too long, while impacting the site far less than the originally planned Hoke plant would have.

Furthermore, the specific conditions recommended in this CUP by city staff—such as the requirement for a secondary exit road and the mandatory utility signoffs for self-sufficiency—are the exact reason we have a Conditional Use Permit process.

A CUP isn't a "red flag"; it is a precision tool. It allows the city to take a unique, large-scale project and apply specific, site-based guardrails to ensure it functions safely within our community fabric. By requiring the applicant to prove self-sufficiency through utility signoffs, the city is ensuring that the utility load doesn't compromise service for our residents. These conditions show that the process is working exactly as intended.

As a DevSecOps Engineer, I want to emphasize the difference between traditional "evaporative" data centers and the **closed-loop liquid cooling system** proposed here. In my field, this is the gold standard for sustainability, and has been since 2022. Unlike older data centers that "consume" millions of gallons of water through evaporation, a closed-loop system recirculates its coolant. Aside from the initial fill, the ongoing draw on Pocatello's aquifer is near-zero.

Regarding the power load: this site was designed for load such as this. Hoku was designed for load over 80 megawatts. The infrastructure for high-voltage delivery is already on it's way to being in place for this 100 megawatt load, with stopgaps already planned in the proposal.

We have a rare opportunity to take a "failed" property and turn it into a high-value, low-nuisance industrial asset. This project brings significant tax revenue and technical infrastructure without the chemical risks or water-intensity of traditional manufacturing, and certainly less impact than Hoku would have been. Based on the technical merits and its compatibility with the Industrial zone, I strongly urge the commission to approve this permit with the conditions listed in the proposal.

Thank you.

Thank you for the opportunity to show support for this worthy use of existing property in an established zone that fits the proposed use.

From: [Julia Phelps](#)
To: [City.Council](#); [Planning](#); [Nichols, Anne](#)
Subject: Proposed AI data center - VOTE NO
Date: Wednesday, May 13, 2026 9:09:46 AM

PC 23

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Hello all,

My name is Julia Phelps and I am a concerned constituent of the Pocatello community. As someone who has lived in Pocatello my whole life and now works in the health sector, I care deeply about the health and wellbeing of this community.

The proposed AI data center would harm our community's health and wellbeing in a number of ways.

AI data centers contribute to the production of PFAS that can accumulate both in the environment and in the human body, causing long term health impacts. Researchers have found that PFAS have negative impacts on fetal growth, organ development, reproductive health, and other biological processes and have been linked to causes of cancer. This is especially concerning for high risk groups such as children, elderly, and people with pre-existing conditions.

<https://www.eesi.org/articles/view/data-centers-are-contributing-to-pfas-forever-chemical-pollution>

Additionally, large AI data centers are known to consume up to 5000 million gallons per day. Pocatello and Idaho as a whole are already in a resource desert and suffer the impacts of drought including but not limited to negative impacts on food production and agriculture as well as increasing wildfires. Humans can only survive a few days without water. Water shortages are reducing water availability, negatively impacting our communities and their health.

<https://www.eesi.org/articles/view/data-centers-and-water-consumption>

From the standpoint regarding social determinants of health, power demands from AI data centers are contributing to higher energy bills. For members of our community who are already struggling economically, higher energy bills will be another obstacle to meeting their basic health and wellness needs.

<https://www.eesi.org/articles/view/data-center-power-demands-are-contributing-to-higher-energy-bills>

There are many other concerns related to environmental and economic impact in both the short and long term, however for the purposes of this email and my professional expertise, I will speak only to the impacts on health and wellness. As a member of the health sector working in community agencies that serve our most vulnerable, I see patients who come from all walks of life. All political ideologies are represented and so when I say this is not a political problem it is because decisions such as these impact the health of all of us, regardless of political stance. But it is our most vulnerable who are impacted first. The Pocatello City Council Mission Statement declares, *"Pocatello is a vibrant community promoting a high quality of life through innovation, growth, respect, inclusiveness and pride in who we are."* A choice to build an AI data center would directly oppose this mission in regards to upholding and striving for high quality of life for all who live here.

I urge the City Council to recommend denial of the application of a conditional use permit based on its negative impacts to the health and wellness of the Pocatello community.

Thank you for your time and consideration,
Julia

From: [Marianna Hulet](#)
To: [McCulla, Aceline](#)
Subject: Public Comment on Proposed Data Center
Date: Wednesday, May 13, 2026 11:39:49 AM

PC 24

May 13, 2026 To Whom it May Concern I am unable to attend Thursday's public meeting, so I am submitting my thoughts for the record. I am writing in reference to the proposed CUP for a data Center. I have the following concerns. The city's report on this CUP explains that the project must be adequately served by public facilities, which includes water, sewer, and power. In the staff's section of that report, the City admits that they don't have any information about water, sewer, or power for the project, even admitting that the 100 megawatts the facility will need in power is equal to the "power utilized by the entire city of Pocatello in one year." I noted that in the applicant's response they just say they will engineer the project so it will be successful and go so far as to claim the project will "not overburden public facilities." Given that the project will require more power than our entire city I find this hard to believe. Indeed, I think the City should NOT believe them, but require them to submit their plans for providing that power on their own dime, including all improvements to the infrastructure to convey that power.

Clearly HUGE improvements to the power supply grid will be needed. We know that Idaho Power will always work to supply the power needed for development, and they pass those costs on to all consumers. We have seen that in other parts of the country, paying for the necessary improvements has resulted in doubling and tripling power bills for other power customers. This is an important concern. This CUP should not be approved unless a condition is added that all improvements to the existing power grid to supply power to this project must be paid for by the applicant and not passed on to the rest of the community at any point. Much the same goes for the water concerns. The City actually lists all the concerns they have about the water and sewage and notes that water and sewage quantities have not been provided by the applicant. The applicant assures us that it will be fine and that there's plenty of water, not to worry. Sorry, but I DO worry about this. Data Centers have been shown to use massive amounts of water, and I am not inclined to just trust them that it will be fine. This CUP should require detailed water use plans that answer all the city's questions and show that there is, indeed, plenty of water without impacting the rest of Pocatello. While we do need growth and industry in Pocatello, the city is not so desperate that we need to impoverish the rest of the town so that these developers can make money. The fact is that this CUP does NOT meet the requirement that the project can be "adequately served by public facilities and services...to ensure that the proposed use would not be detrimental to public health, safety, and welfare." For this reason the CUP should be denied.

Marianna Hulet

353 Washington

Pocatello, ID 83201

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Data Center
Date: Wednesday, May 13, 2026 3:22:15 PM

PC 25

From: Janell Baggett <janellchoo@hotmail.com>
Sent: Wednesday, May 13, 2026 3:20 PM
To: Nichols, Anne <anichols@pocatello.gov>; city.council@pocatello.gov
Subject: Data Center

Mayor and City Council

I will keep this short. I'm 100% against putting this Data Center in Pocatello. With the research I have done I do not think it is a good fit for our town. The electric bills have gone up in other towns that have allowed them, the amount of water it will take even with a closed system, the noise it generates, and the "heat island" that will be created.

Please vote NO on this. Yes, we do need jobs and tax revenue, however at what cost to the quality of life for the residents.

Thank you,
Janell Kaneaster

From: [Emma Fox](#)
To: [Planning](#)
Subject: Public Comment for the AI Data Center Conditional Use Permit
Date: Thursday, May 14, 2026 7:09:51 AM

PC 26

Some people who received this message don't often get email from efoxfogle01@gmail.com. [Learn why this is important](#)

Subject: Non-Compliance with Pocatello Municipal Code 17.02.130.D6 Regarding Proposed Lex Development Data Center

Date: May 14, 2026

The proposed data center project fails to satisfy the criteria for a Conditional Use Permit under Pocatello Municipal Code 17.02.130.D6. Specifically, the project creates unmitigated externalities regarding public infrastructure (Criterion 4), public health (Criterion 7), and environmental degradation (Criterion 6).

Criterion 4 requires that the proposed use be "adequately served by public facilities to ensure that the proposed use would not be detrimental to public health, safety, and welfare."

The energy requirements for the proposed facility are approximately equal to the total current load of the City of Pocatello. This creates a high-risk dependency on the electrical grid that the applicant has not sufficiently addressed.

According to the Energy Information Administration, residential power rates rose 11.5% in 2025, with a 40% surge projected by 2030. These increases are primarily driven by infrastructure "build-outs." Without a binding agreement ensuring the developer bears 100% of the capital expenditure for new substations and transmission lines, the fiscal burden falls onto the local ratepayer.

The sheer scale of this load risks the "detriment of public welfare" by prioritizing industrial uptime over residential reliability.

Criterion 7 mandates that the project "not be detrimental to the public interests, health, safety, or welfare in its operating characteristics." The proposed use of gas turbines to "bridge the gap" in energy supply represents a significant health risk to the Pocatello airshed. The applicant's reliance on onsite combustion introduces hazardous air pollutants and epidemiological risk. Gas turbines emit fine particulate matter and carcinogens such as formaldehyde. In a valley prone to inversions, these pollutants exacerbate respiratory diseases and cardiovascular issues (Eslami, 2025). The introduction of known carcinogens into a residential proximity is fundamentally "detrimental to public health" and violates the city code.

Criterion 6 states the use "would not adversely affect the environment to a greater degree than had a use permitted outright." The applicant's assertion that Pocatello's climate naturally mitigates cooling needs is contradicted by recent meteorological data (e.g., the 2025-2026 winter average temperatures). Furthermore, the facility introduces a "Data Heat Island Effect": Thermal Discharge: Research from Marinoni et al. (2024) indicates that AI-scale data centers can warm surrounding land by 4 to 16 degrees fahrenheit. In a semi-arid desert environment, evening cooling is a biological and economic necessity. A constant thermal plume prevents the "diurnal cooling" required for local agriculture and increases the "cooling load" for surrounding residents, further inflating utility costs and carbon footprints.

The proposal offers a disproportionate exchange: 30 to 60 permanent jobs in exchange for the systemic degradation of the city's air quality, grid stability, and thermal environment. The applicant has failed to provide a mitigation plan that ensures the community is not "worse off" post-development.

Recommendation: The hearing examiner should find the project in violation of Pocatello Municipal Code 17.02.130.D6 (Criteria 4, 6, and 7) and deny the Conditional Use Permit.

Citations:

EESI (2024). Data Center Power Demands and Energy Bills.

Marinoni, A., et al. (2024). The Data Heat Island Effect: Quantifying the Impact of AI Data Centers in a Warming World. *University of Cambridge*.

Tax Notes (2023). Tricks and Traps: Data Center State Tax Incentives.

Abatzoglou, J. T., Marshall, A. M., & Harley, G. L. (2021). Observed and projected changes in Idaho's climate. Idaho Climate-Economy Impacts Assessment. James A. & Louise McClure Center for Public Policy Research, University of Idaho.

Eslami, E. (2025). Air quality and greenhouse gas emissions assessment of data centers in Texas: Quantifying impacts and environmental tradeoffs.

Monserate, S. G. (2022, February 14). The staggering ecological impacts of computation and the cloud. *The MIT Press Reader*.

From: [Joe](#)
To: [Planning](#); [Nichols, Anne](#); [City Council](#)
Subject: AI Data Center
Date: Thursday, May 14, 2026 8:07:35 AM

PC 27

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Joseph Crupper
525 W Greeley St
Pocatello, ID 83204

Hello,

I'm a Pocatello resident writing to ask you to resist the urge to allow an AI data center to be built anywhere NEAR our town. I do not want to be in a situation where I am subsidizing their entirely unnecessary energy consumption, which is a thing that has been documented to happen in other municipalities that welcome these beasts.

I don't care if they are promising jobs, this is not the type of industry that our area can handle or should entertain. I don't want their waster, their water consumption, their energy use... all so that someone can generate slop and dive further into AI psychosis.

Furthermore, I think the City of Pocatello should put out initiatives against AI use for reasons outside the realm of professional medicine and science. Cut off the AI "industry" before it sucks us dry of our humanity.

Joseph

From: [Rick Pongratz](#)
To: [Planning](#)
Subject: Hearing regarding the Data Center
Date: Thursday, May 14, 2026 8:05:43 AM

PC 28

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Dear City of Pocatello,

I am writing to strongly oppose the proposed use permit for the data center that wants to go into the old Hoku plant. My primary concerns are the negative effect on our environment and our community.

Under the 6th listed criteria (code 17.02.130.D6), they don't even deny that it will have a negative impact on our environment. They simply say that they hope it will get better in the future if technology advances.

This is absolutely absurd and it would be irresponsible to approve this. IF technology advances to resolve the environmental concerns of data centers, THEN they are welcome to apply for a use permit. It would be insane to approve this use permit on the hope that some currently unknown and magical advance in technology would someday lessen the problem we would be directly creating by allowing a data center into our community.

Thank you for rejecting the data center's request.

Rick Pongratz
Pocatello

Please deny the conditional use permit (CUP) application for the proposed data center on River Park Way in Pocatello. This CUP request fails to meet Pocatello City Code 17.02.130.D – sections 1 through 7 in the following ways:

1. Inconsistency with Zone and Use Classification

- A data center is not consistent with the intent and purpose of the Industrial zoning district, nor is it sufficiently similar to any other permitted or conditional uses allowed in that zone. The data center's operational impacts - noise, vibration, and hazardous waste - are significantly different from those of other industrial uses, and we don't even have a method by which to measure these impacts for this use within our code.

2. Conflict with Comprehensive Plan

- A data center is not consistent with the goals and policies of Pocatello's comprehensive plan. Pocatello's comp plan prioritizes promotion of compatible land uses (this data center is not that), protection of sensitive areas (this data center wouldn't do that), and supporting sustainable infrastructure (this project in no way does that). Simply put, this proposed data center would actively harm responsibly planned development and contradict land use goals of the people who live here.

3. Not Compatible with Surrounding Land Uses

- A data center is not compatible with existing or permitted land uses in the area and would negatively impact adjacent properties and upend the character of the area.

4. Cannot be Adequately Served by Public Facilities/Services

- This proposed project cannot be adequately served by existing public facilities and services – our budgets for infrastructure and emergency services are at max capacity. Denial is the only appropriate action to avoid overburden existing infrastructure and forcing taxpayers to pay for something they don't want and something that will provide no benefit to the community. The staff report acknowledges that the data center could require up to 100 megawatts of power annually – which is comparable to the entire city's annual usage. Idaho Power reported that "the Generation Study could not conclusively determine whether Idaho Power could meet the proposed load ramp." The people of Pocatello should not have to risk stability in power – and definitely not for a project they don't want.

5. Greater Adverse Environmental Impact than Permitted Uses

- A data center would negatively impact the environment to a much greater degree than permitted uses. Excessive water, power, emissions, and hazardous waste are all major concerns and grounds for denial. The staff report also details concerns about water utilization, wastewater discharge, and emissions.

6. Detriment to Public Health, Safety, and Welfare

- The proposed use would be detrimental to public interests, health, safety, and welfare. This project's proposed size, design, and operations do not fit within the location. The power demand and cooling system poses significant risks to the community and environment – creating unacceptable hazards to our community.

7. Failure to Meet Required Conditions and Provide Sufficient Information

- The applicant has failed to provide detailed information – utility impact studies, environmental assessments, and mitigation plans – nor can this data center rely on the City of Pocatello to override its community to accommodate such an egregious ask.

Aside from the fact that ***such a game-changing decision for the residents of Pocatello belongs in the hands of our elected officials*** following a technical review – this CUP application simply does not meet the standards for approval under section 17.02.130.D of Pocatello City Code and must be denied.

Thank you for your time and service to our community,

Niki Richards, MPA
1231 N Garfield Ave
Pocatello, ID 83422

From: [Lilly Bengtson](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Proposed AI Data Center
Date: Thursday, May 14, 2026 8:26:39 AM

PC 30

Some people who received this message don't often get email from bengtson95@gmail.com. [Learn why this is important](#)

Hello,

I'm emailing you today as a resident of Pocatello who is concerned about the city's current entertaining of a proposal to allow an AI data center to be established and run in our town. I strongly suggest that the Hearing Examiner deny the application for this permit, on the grounds of the disturbance that this data center will likely cause to our water supply, electricity prices, and noise pollution in the surrounding area. The cost of this development will likely be shifted off onto the backs of the residents of our town in the form of higher electricity prices and other negative consequences, rather than borne by the corporation itself -- this is typically how similar data centers in other parts of the country have gone. If the Hearing Examiner opts to allow this conditional use permit, I believe it would be absolutely necessary to impose very strict limitations on the water and electric usage of this data center, worded in very firm, clear terms. Idaho just had its warmest winter on record, and now more than ever we cannot afford to allow an outside to come into our community and drain our natural resources, even if it is under the guise of providing new jobs. Thank you for listening -- I appreciate all you do for our community!

Best,
Dr. Lillian Bengtson

From: [Mikayla Dungan](#)
To: [Nichols, Anne](#); [City Council](#); [Planning](#)
Subject: AI Data Center in Pocatello
Date: Thursday, May 14, 2026 8:56:32 AM

PC 31

Some people who received this message don't often get email from mikaylasimonson@gmail.com. [Learn why this is important](#)

Hello,

I am writing in as a concerned citizen of Bannock County. I understand there is a public hearing tonight 5/14 at 5:30 for Portneuf Capital, LLC's Conditional Use Permit for a potential data center. I am shocked and upset that the city would even consider this proposal as it does not meet the requirements outlined under **Pocatello Municipal Code 17.02.130.D**. The proposed use is **not** compatible in intensity with adjacent permitted uses, it is **without** public services adequate to serve it, and the use **will** be detrimental to public health, safety, and welfare.

The city's report requires that the project be adequately served by public facilities. The City's Staff Review section calls out that they **don't have any information about water, sewer, and power**, noting the 100 megawatts the facility will need in power is equal to the "**power utilized by the entire city of Pocatello in one year.**"

Portneuf Capital, LLC has a place to answer that concern, but makes vague uncertain claims. How can our city officials in good faith even consider this application? The proposed use is literally doubling the electricity that the city will have to maintain and produce, which is **not** compatible with current industry and infrastructure.

The application states grid power at the necessary scale does not currently exist and that Idaho Power's impact analysis is incomplete — it is listed as a “post-approval deliverable”. The City should require the Idaho Power study, the water and wastewater capacity studies, and the air quality analysis **before** the permit is acted on, not as conditions attached after approval.

Portneuf Capital, LLC's own presentation describes a 200 MW full buildout across seven buildings. Again, in order to make this plant function they will need power equal to the "power utilized by the entire city of Pocatello in one year." Major changes to the power supply grid will be needed. Idaho Power will sell out working class Idahoans for this development and pass these costs to us. We are seeing it all over the country as data centers pop up.

In the interim between the data center being constructed and the electricity infrastructure being adjusted by Idaho Power, the center states it will use gas turbines for power. Gas generation creates foreseeable **health and safety problems**.

Pocatello sits in a valley subject to severe inversions. The Portneuf Valley airshed already experiences PM2.5 and ozone exceedances. Adding gas turbines sized to support a 100–200 MW computing load introduces more toxins to our residential neighborhoods, schools, and rivers. The “forever chemicals” we see coming from data centers will be here to stay.

Portneuf Capital, LLC's economic projections are drawn from industry benchmark documents, not from a binding commitment to Pocatello. The risks — to increased residential electric bills, to inversion-season air quality, to long-term site liability — are concrete, local, and irreversible. The asymmetry is unacceptable.

This application is full of vague language and promises that will never be kept. Our community will have zero recourse when the inevitable environmental and economic consequences begin. I expect the city to serve its constituents best interests and deny this application.

Sincerely,
Mikayla Dungan
13042 N. Hawthorne Rd. Pocatello, 83202

From: [Matthew Tonks](#)
To: [Planning](#)
Subject: AI Data Center Public Comment
Date: Thursday, May 14, 2026 10:51:53 AM

PC 32

Some people who received this message don't often get email from tonksmatthew@gmail.com. [Learn why this is important](#)

Hello,

I am unable to attend the meeting in front of the hearing examiner but I felt it necessary to express my concerns but also support for the proposed AI data center..

Personally I don't care about the data center or not. Artificial intelligence doesn't bother me at all. The development company is proposing a significant influx of investment into Bannock County/ Pocatello Chubbuck area and if the claims are true that it could provide a significant relief to the tax burden that the tax payers are forced to bear. I say that's all well and good.

except, how much of that tax relief are going to be actually passed onto the insignificant tax payer or will it be eaten up by the bloated elected officials lining their own pockets? Pocatello has been plagued by the mentality of " only for me and not for thee" where the upper echelon get all the benefits while those lower on the totem pole receive the scraps.

The development company has promised a closed loop system for cooling, therefore not draining our already depleting aquifer. That's all well and good, except, what oversight will there be to ensure they stick to the actual promises that they are making?

There are a number of significant construction jobs that are being promised and a large number of jobs needed after construction is completed but are there any assurances that the local workforce will benefit? Could there be any provision within the permit to ensure our local workforce gets the benefit first before outside individuals come or get transferred in?

The power needed for these centers is astronomical. Idaho Power is an organization that does not care about the citizens of Pocatello, what assurances will there be that the power needed for this center is not passed onto the taxpayers of this poorly benefited economy in Pocatello?

Thank you,
Matt T.

Flynn, Jennifer

From: Jason Rollins <jason.rollins.333@gmail.com>
Sent: Thursday, May 14, 2026 10:01 AM
To: Planning
Subject: Data Center

Some people who received this message don't often get email from jason.rollins.333@gmail.com. [Learn why this is important](#)

Do not subvert the will of the people to line your own pockets. We see you.

Flynn, Jennifer

From: captainnorty <captainnorty@pm.me>
Sent: Thursday, May 14, 2026 9:47 AM
To: Planning
Subject: Public comment 26-003

Some people who received this message don't often get email from captainnorty@pm.me. [Learn why this is important](#)

I am strongly against the building of the new Data center for the following reasons.

Data centers demand a large amount of electricity and I worry where it will come from?

I have heard it will increase our electric cost.

Data centers demand a lot of water and we are entering a summer of severe drought.

AI seems to be a money maker for all the tech billionaires, but once the center has been built, it will supply very few jobs because it will be able to run itself.

Many jobs will be lost to AI programs giving more dollars to tech billionaires and taking dollars from citizens.

AI programs have plagiarized all kinds of creative content and will continue to do so.

AI will allow people to tell lies and deceive us more convincingly.

AI will make it harder to parse the truth of what is happening in the world, making it harder for the public to make informed decisions.

AI will help bad players scam and fraud the public more easily, rendering the internet a more dangerous environment than it is already.

We need to shore up our communities with caring people not heartless machines.

Sincerely,
Tim Norton
240 Valleyview Drive
Pocatello, Idaho 83204

Flynn, Jennifer

From: Colette Maria Evans <colettemariaevans@gmail.com>
Sent: Thursday, May 14, 2026 9:44 AM
To: Planning
Subject: Strongly Oppose Data Center

Some people who received this message don't often get email from colettemariaevans@gmail.com. [Learn why this is important](#)

Dear Hearing Examiner,

Data Centers are popping up around the country and the consequences are devastating to the environment and those living in the surrounding areas. The long term impacts won't be known until it's too late to protect the land and all those living in the neighboring regions.

While the proposal suggests it will be smaller, use a closed loop cooling system, the three primary concerns are 1) short and long term impact of water consumption, 2) short and long term impacts of energy consumption, and 3) long and short term impacts of the light, air, and noise pollution.

As documented by the Clean Energy Group in November, 2025, time to research and mitigate environmental impacts is essential. <https://stpp.fordschool.umich.edu/sites/stpp/files/2025-07/stpp-data-centers-2025.pdf>

This research needs to be conducted as an independent environmental impact study.

Additionally, the Environmental Health Project, Elan Justice Pavlinich, Ph.D. states the health impact of the noise, light, air pollution, and water waste concerns.



Although the data center will potentially use a closed loop cooling system, the energy used for this process is substantial and of concern. We do not know enough about the long and short term impact these centers will have. Early data suggests negative impact on surrounding communities. Impacts of energy, water use, noise and air pollution needs to be evaluated by environmental specialists not by those pushing the data centers.

We have had several dust storms this winter/spring, so please assure that all impacts are researched independently before approval. Research by independent environmental specialist, including those specialized in energy use, air and noise pollution, and water impact (long and short term) are necessary before approving.

Thank you for your time,

Colette Evans, Ph.D.

Pocatello, Idaho.

From: [Zanna Hannon](#)
To: [Planning](#)
Subject: Opposing PLEASE read
Date: Thursday, May 14, 2026 11:59:19 AM

PC 36

Some people who received this message don't often get email from josafennaanna@gmail.com. [Learn why this is important](#)

Dear planning,

Please take a moment to hear the pleas of the Idaho people regarding the AI Data Centers

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,

Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.

Warmly,

Proud Idaho Resident
Zanna Hannon

Flynn, Jennifer

From: Nichols, Anne
Sent: Thursday, May 14, 2026 9:17 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Online Form Submittal: Email the Pocatello Mayor

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 13, 2026 6:35 PM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello Mayor

Email the Pocatello Mayor

Name	Birgitta Bright
------	-----------------

Email Address	birgitta@forrestdesigngroup.com
---------------	--

Message	Hello Mayor Dahlquist,
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I hope you are doing well and I am looking forward to all the good that you will do as Mayor!

I'm writing you because I have some serious concerns about how the proposed Hoku data center would affect the health of our community and the natural resources which are a major draw for our city. Most data centers are located in rural areas not adjacent to a city due to the negative attributes they bring.

My main questions are what laws would be in place to protect our citizens from air and noise pollution violations and what recourse would we have to uphold those laws if the data center violates those laws? Will it fall on individuals? Will the city be able to fight a billion dollar corporation?

Here are links to 2 articles that bring up many questions and explore the health problems associated data centers and bitcoin mining centers:

<https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution>

"Backup diesel generators, construction, cooling systems and other machinery at data centers all produce sound.

"Because these data centers operate 24/7, they generate

persistent background noise, and chronic exposure to environmental noise has been associated with sleep disturbance, hypertension, cardiovascular diseases and even stress-related outcomes,” Gour says.

Noise pollution can be especially harmful to children, as it has been linked to poor cognition, decreased learning and lower reading comprehension.

Gallant says she’s also concerned about light pollution produced by the data centers.

“We don’t see the dark of night anymore,” she says.

Additionally, the large amounts of water needed for the cooling systems at data centers come with health concerns. A medium-sized data center consumes as much water as three hospitals or two 18-hole golf courses, Gour’s study says.

“Such consumption exacerbates local water insecurity, increasing the risk of waterborne diseases, dehydration and poor hygiene in affected communities,” the study states.”

<https://time.com/6982015/bitcoin-mining-texas-health/>

“The development of large-scale Bitcoin mines and data centers is quite new, and most of them are housed in extremely remote places. There have been no major medical studies on the impacts of living near one. But there is an increasing body of scientific studies linking prolonged exposure to noise pollution with cardiovascular damage...

The level of noise is appalling to Dr. Thomas Münzel, a German cardiologist who is a leader in the growing field of scientific researchers measuring the impact of urban and industrial noise on humans. For the last 15 years, Münzel has studied how transportation and urban noise, especially at night, can be debilitating stressors on the heart, brain, and cardiovascular systems. In one study, he exposed young, healthy students to noise events up to 63 decibels, and found that their vascular function diminished after just a single night. In other studies, he’s found that nighttime noise pollution directly leads to heart failure and molecular changes in the brain, which may lead to impaired cognitive development of children and make some people more prone to developing dementia.

“The European Environmental Agency tells us that everything above 55 decibels is making us sick,” he says. The fact that the Granbury Bitcoin mine is emitting 70 or even 90 decibels on a nightly basis is “like torture,” he says. “The most spectacular cardiovascular diseases will develop. They have to stop the machines.”

--The bitcoin center in this article was regularly recorded at over 91 decibels.

I hope you will take the time to read the full articles.

Thank you,
Birgitta Bright

Birgitta Forrest Bright
Forrest Design Group
150 S. Arthur Ave., Ste. 225
Pocatello, ID 83204
office: 208-478-4348
cell/text: 208-251-4348
Birgitta@ForrestDesignGroup.com

Email not displaying correctly? [View it in your browser.](#)

From: Joe <joecrprr@gmail.com>

Sent: Thursday, May 14, 2026 8:07 AM

To: Planning <Planning@pocatello.gov>; Nichols, Anne <anichols@pocatello.gov>; _City.Council <City.Council@pocatello.gov>

Subject: AI Data Center

PC 38

You don't often get email from joecrprr@gmail.com. [Learn why this is important](#)

Joseph Crupper
525 W Greeley St
Pocatello, ID 83204

Hello,

I'm a Pocatello resident writing to ask you to resist the urge to allow an AI data center to be built anywhere NEAR our town. I do not want to be in a situation where I am subsidizing their entirely unnecessary energy consumption, which is a thing that has been documented to happen in other municipalities that welcome these beasts.

I don't care if they are promising jobs, this is not the type of industry that our area can handle or should entertain. I don't want their waster, their water consumption, their energy use... all so that someone can generate slop and dive further into AI psychosis.

Furthermore, I think the City of Pocatello should put out initiatives against AI use for reasons outside the realm of professional medicine and science. Cut off the AI "industry" before it sucks us dry of our humanity.

Joseph

Flynn, Jennifer

From: cass h <cassidy.n.hammerle@gmail.com>
Sent: Thursday, May 14, 2026 10:02 AM
To: Planning
Subject: Opposition to the AI Data Centers conditional use permit.

Some people who received this message don't often get email from cassidy.n.hammerle@gmail.com. [Learn why this is important](#)

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,

Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.

Warmly,

Proud resident of Idaho
Cassidy Hammerle-Coletti

PC 40

From: Lilly Bengtson <bengtson95@gmail.com>

Sent: Thursday, May 14, 2026 8:27 AM

To: _City.Council <City.Council@pocatello.gov>; Nichols, Anne <anichols@pocatello.gov>; Planning <Planning@pocatello.gov>

Subject: Proposed AI Data Center

You don't often get email from bengtson95@gmail.com. [Learn why this is important](#)

Hello,

I'm emailing you today as a resident of Pocatello who is concerned about the city's current entertaining of a proposal to allow an AI data center to be established and run in our town. I strongly suggest that the Hearing Examiner deny the application for this permit, on the grounds of the disturbance that this data center will likely cause to our water supply, electricity prices, and noise pollution in the surrounding area. The cost of this development will likely be shifted off onto the backs of the residents of our town in the form of higher electricity prices and other negative consequences, rather than borne by the corporation itself -- this is typically how similar data centers in other parts of the country have gone. If the Hearing Examiner opts to allow this conditional use permit, I believe it would be absolutely necessary to impose very strict limitations on the water and electric usage of this data center, worded in very firm, clear terms. Idaho just had its warmest winter on record, and now more than ever we cannot afford to allow an outside to come into our community and drain our natural resources, even if it is under the guise of providing new jobs. Thank you for listening -- I appreciate all you do for our community!

Best,

Dr. Lillian Bengtson

From: Janell Baggett <janellchoo@hotmail.com>

Sent: Wednesday, May 13, 2026 3:20 PM

To: Nichols, Anne <anichols@pocatello.gov>; city.council@pocatello.gov

Subject: Data Center

PC 41

Mayor and City Council

I will keep this short. I'm 100% against putting this Data Center in Pocatello. With the research I have done I do not think it is a good fit for our town. The electric bills have gone up in other towns that have allowed them, the amount of water it will take even with a closed system, the noise it generates, and the "heat island" that will be created.

Please vote NO on this. Yes, we do need jobs and tax revenue, however at what cost to the quality of life for the residents.

Thank you,
Janell Kaneaster

Please deny the conditional use permit (CUP) application for the proposed data center on River Park Way in Pocatello. This CUP request fails to meet Pocatello City Code 17.02.130.D – sections 1 through 7 in the following ways:

1. Inconsistency with Zone and Use Classification

- A data center is not consistent with the intent and purpose of the Industrial zoning district, nor is it sufficiently similar to any other permitted or conditional uses allowed in that zone. The data center's operational impacts - noise, vibration, and hazardous waste - are significantly different from those of other industrial uses, and we don't even have a method by which to measure these impacts for this use within our code.

2. Conflict with Comprehensive Plan

- A data center is not consistent with the goals and policies of Pocatello's comprehensive plan. Pocatello's comp plan prioritizes promotion of compatible land uses (this data center is not that), protection of sensitive areas (this data center wouldn't do that), and supporting sustainable infrastructure (this project in no way does that). Simply put, this proposed data center would actively harm responsibly planned development and contradict land use goals of the people who live here.

3. Not Compatible with Surrounding Land Uses

- A data center is not compatible with existing or permitted land uses in the area and would negatively impact adjacent properties and upend the character of the area.

4. Cannot be Adequately Served by Public Facilities/Services

- This proposed project cannot be adequately served by existing public facilities and services – our budgets for infrastructure and emergency services are at max capacity. Denial is the only appropriate action to avoid overburden existing infrastructure and forcing taxpayers to pay for something they don't want and something that will provide no benefit to the community. The staff report acknowledges that the data center could require up to 100 megawatts of power annually – which is comparable to the entire city's annual usage. Idaho Power reported that "the Generation Study could not conclusively determine whether Idaho Power could meet the proposed load ramp." The people of Pocatello should not have to risk stability in power – and definitely not for a project they don't want.

5. Greater Adverse Environmental Impact than Permitted Uses

- A data center would negatively impact the environment to a much greater degree than permitted uses. Excessive water, power, emissions, and hazardous waste are all major concerns and grounds for denial. The staff report also details concerns about water utilization, wastewater discharge, and emissions.

6. Detriment to Public Health, Safety, and Welfare

- The proposed use would be detrimental to public interests, health, safety, and welfare. This project's proposed size, design, and operations do not fit within the location. The power demand and cooling system poses significant risks to the community and environment – creating unacceptable hazards to our community.

7. Failure to Meet Required Conditions and Provide Sufficient Information

- The applicant has failed to provide detailed information – utility impact studies, environmental assessments, and mitigation plans – nor can this data center rely on the City of Pocatello to override its community to accommodate such an egregious ask.

Aside from the fact that ***such a game-changing decision for the residents of Pocatello belongs in the hands of our elected officials*** following a technical review – this CUP application simply does not meet the standards for approval under section 17.02.130.D of Pocatello City Code and must be denied.

Thank you for your time and service to our community,

Niki Richards, MPA
1231 N Garfield Ave
Pocatello, ID 83422

From: Rick Pongratz <pongratz@gmail.com>
Sent: Thursday, May 14, 2026 8:05 AM
To: Planning
Subject: Hearing regarding the Data Center

Some people who received this message don't often get email from pongratz@gmail.com. [Learn why this is important](#)

Dear City of Pocatello,

I am writing to strongly oppose the proposed use permit for the data center that wants to go into the old Hoku plant. My primary concerns are the negative effect on our environment and our community.

Under the 6th listed criteria (code 17.02.130.D6), they don't even deny that it will have a negative impact on our environment. They simply say that they hope it will get better in the future if technology advances.

This is absolutely absurd and it would be irresponsible to approve this. IF technology advances to resolve the environmental concerns of data centers, THEN they are welcome to apply for a use permit. It would be insane to approve this use permit on the hope that some currently unknown and magical advance in technology would someday lessen the problem we would be directly creating by allowing a data center into our community.

Thank you for rejecting the data center's request.

Rick Pongratz
Pocatello

Flynn, Jennifer

From: Nichols, Anne
Sent: Thursday, May 14, 2026 10:25 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Data center

From: Matt Krammen <mjkrammen@gmail.com>
Sent: Thursday, May 14, 2026 10:24 AM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: Data center

You don't often get email from mjkrammen@gmail.com. [Learn why this is important](#)
Hi Mayor Dahlquist,

My name is Matt Krammen, a constituent at 410 La Valle Strada here in Pocatello. I am emailing about the proposed data center. I'd like to express my concern about its impacts to our environment and local way of life. We have seen the severe impacts of data centers in cities all over the country, and I would like to urge you to vote against allowing a data center to be built in Pocatello.

Thanks for your time,

Matt Krammen

From: Judy McClanahan <hutsi13@gmail.com>
Sent: Thursday, May 14, 2026 10:37 AM
To: McCulla, Aceline; Planning
Subject: Data Center Opposition

Some people who received this message don't often get email from hutsi13@gmail.com. [Learn why this is important](#)

Please deny the conditional use permit application for the proposed data center on River Parkway in Pocatello. It contradicts land use goals of the people who live here, it would upset adjacent properties and upend the character of the area as well as the entire city of Pocatello. Sensitive areas would not be protected, it would harm responsibly planned development and not align at all to the living standards of current happy residents. How can our existing public facilities/infrastructure services sustain this center? As a taxpayer I do not want this extra burden. It provides no benefit to the community only a strain to current and future community members. I do not want to risk stability to our already challenged water and power! Water emissions and hazardous waste are tantamount as grounds for denial! Please elected officials, PLEASE DENY DENY DENY!!!!

Judy McClanahan

1231 N. Garfield Ave.

Pocatello, ID 83204

Flynn, Jennifer

From: Nichols, Anne
Sent: Thursday, May 14, 2026 10:39 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Concerns Regarding Proposed AI Data Center Development in Pocatello

From: Julie Frischmann <frischmann.julie@gmail.com>
Sent: Thursday, May 14, 2026 10:37 AM
To: _City.Council <City.Council@pocatello.gov>
Subject: Concerns Regarding Proposed AI Data Center Development in Pocatello

Some people who received this message don't often get email from frischmann.julie@gmail.com. [Learn why this is important](#)

Dear City Council Members,

I hope you are doing well. I am writing as a concerned citizen of Pocatello regarding the possibility of building a large AI data center in our community.

While I understand the potential economic development arguments surrounding these projects, I believe the long-term costs to Pocatello will outweigh the benefits. AI data centers require enormous amounts of electricity and water, placing significant strain on local infrastructure and natural resources.

Recent research shows that large data centers can consume between 300,000 gallons and 5 million gallons of water per day for cooling operations, depending on the size and cooling technology used. In many communities across the United States, concerns have already emerged about increased pressure on municipal water supplies, especially in regions that face periodic drought conditions, such as ours.

Energy demand is equally concerning. The International Energy Agency recently reported that electricity consumption from AI-focused data centers is expected to triple by 2030 due to the rapid expansion of artificial intelligence infrastructure. Some regions with concentrated data center development are already experiencing significant stress on their local power grids and rising electricity demand.

Beyond resource consumption, these facilities often provide a relatively limited number of permanent jobs, which weakens the argument that they generate substantial long-term economic growth for the community.

Pocatello is a community that values responsible growth, environmental stewardship, and quality of life. I respectfully urge the city to carefully evaluate the long-term effects that an AI data center would have on our water supply, electrical infrastructure, environment, and taxpayers before approving any such project.

I appreciate your service to our community and your willingness to consider public input on this important issue.

Sincerely,

Julie Frischmann
Pocatello Resident

From: Shannon Meacham <shannon.meacham@gmail.com>
Sent: Thursday, May 14, 2026 10:46 AM
To: Planning; _City.Council; Nichols, Anne
Cc: Shannon Kelly
Subject: AI data center conditional use permit

Some people who received this message don't often get email from shannon.meacham@gmail.com. [Learn why this is important](#)

Representatives,

I am writing to address the hearing on any AI data center conditional use permits. This is an important precedent-setting decision that has implications for greater the SE Idaho community.

I know Idaho takes great pride in ensuring that land owners are able to do whatever they want on their land but this does not exempt them from causing harm to their neighbors! Much harm has already been documented from existing AI center battles.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

Please consider data centers that have already been built.

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,

Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

Please protect Idaho and do not let this conditional use permit pass.
I am so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time and consideration.

Warmly,

Proud Idaho Resident
Shannon Meacham

May 14, 2026

Pocatello Hearing Examiner
c/o Planning and Development Services
911 North 7th Avenue
Pocatello, ID 83201

PC 48

Re: Public Comment on File CUP26-003, Conditional Use Permit Application for Proposed Data Center at 1800 River Park Way, Applicant Gus Schultz / Lex Developments LLC

Dear Hearing Examiner:

I am writing as a Pocatello resident to respectfully request that File CUP26-003 be continued pending the submission of materially missing information, or in the alternative denied for failure to meet the burden of proof under Pocatello City Code Section 17.02.130.D.

Under Section 17.02.600.C.2, the Hearing Examiner is required to make findings of fact, supported by substantial evidence in the record, on each application. As outlined below, the staff report itself documents that key information needed to make findings under several of the seven review criteria is not in the record. My comments follow each criterion under 17.02.130.D in turn.

Criterion D1. The staff report relies on a determination under 17.01.160.C that the proposed data center is an unlisted use, comparable to Heavy Industrial under 17.01.160.4.b.2. However, 17.01.160.C.3 requires affirmative findings that the unlisted use is consistent with the intent and purpose of the district, is similar to and of the same general type as listed uses, has similar impacts, and has similar impacts on community facilities. A continuous electrical load of 100 to 200 megawatts is not characteristic of the Heavy Industrial examples in code (chemical, plastic, glass, and metal processing; energy production; concrete batching; vehicle and wood processing). A formal interpretation by the Planning Director under 17.02.180, with explicit findings on each of the four standards in 17.01.160.C.3, does not appear in the record.

Criterion D2. The staff response confirms only that the Future Land Use designation is Industrial. The criterion requires consistency with the goals and policies of the Comprehensive Plan, not solely the land use map. No analysis of specific Comprehensive Plan goals concerning water resources, air quality, fiscal sustainability, public utility capacity, or growth management appears in the record.

Criterion D3. The staff response, in full, is that the corridor is industrial and "if a potential data center use is approved, it would be compatible with other industrial uses." Compatibility requires analysis of scale, operational character, and external effects. The applicant's site plan shows seven 100,000-square-foot buildings totaling 700,000 square feet on 59 acres, with a peak load referenced in the applicant's own presentation of up to 200 megawatts. None of this is analyzed against the operational character of adjacent permitted uses.

Criterion D4. The staff response itself documents that this criterion cannot be evaluated on the current record. The Water Pollution Control Division has placed on record that it does not know how much wastewater will be discharged, whether pretreatment will be required, or what chemicals are involved. The Fire Department has stated that a secondary access will be required, and none has been designed. The Idaho Power impact analysis has not been completed. Idaho Power has placed on the record that the 100 megawatt load is equivalent to the entire annual electricity use of the City of Pocatello, that it will not be available immediately, and that interim power will be supplied by on-site gas turbines. Staff Recommended Condition 4 asks for the Idaho Power impact analysis to be provided after CUP approval. That sequence is inconsistent with the plain language of D4, which requires a present finding that the use "could be adequately served." That finding cannot be made when the impact analysis has not yet been completed.

Criterion D5. The staff response notes that adjacent uses are similar and that landscape buffers will be required, but does not analyze scale, mass, or operational intensity. A 700,000 square foot building program, a continuous load of up to 200 megawatts, and 24-hour operation are operational characteristics not present in any adjacent permitted use. The required finding of harmony in intensity cannot be made on the current record.

Criterion D6. The staff response reads, in full: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal

standards are emissions, power demands, water utilization, and wastewater discharge." Respectfully, this is not a finding. It expressly acknowledges that information is limited, identifies material environmental concerns that remain unaddressed, and proposes deferral to other agencies. Under 17.02.600.C.2, the Hearing Examiner's findings cannot be delegated to outside agencies through the CUP process. The phrase "as technology advances" is speculative and forward-looking; the criterion requires a present-tense comparative finding about this project relative to a use permitted outright. In addition, the applicant's response to D6 in the staff report is a verbatim duplicate of the applicant's response to D5 on scale and mass; the environmental criterion was not substantively addressed by the applicant at all.

Environmental considerations material to the D6 analysis that are not in the record include: (1) waste heat rejection from a 100 to 200 megawatt facility, equivalent on a continuous basis to approximately 341 to 682 million BTU per hour, with resulting heat island contribution of particular concern in the Portneuf Valley airshed where winter atmospheric inversions are documented; (2) air emissions from the proposed interim on-site gas turbines, which at comparable facilities elsewhere have prompted Clean Air Act litigation and which require Idaho DEQ air construction permits not on file with this application; (3) cumulative emissions from diesel and gas backup generators, which produce 200 to 600 times more nitrogen oxides per unit of energy than utility power; (4) potential PFAS exposure from data center fire suppression and immersion cooling chemistry; (5) chemical loading on the Pocatello Water Pollution Control Facility from closed-loop cooling drain-downs containing nitrites, glycol, molybdate, biocides, and pH buffers; (6) seismic risk to lithium-ion battery energy storage in the Basin and Range seismic province; (7) noise from 24-hour cooling fans, transformer banks, and periodic backup generator testing; (8) light pollution from continuous facility operation; and (9) end-of-life decommissioning of seven industrial buildings and associated electronic waste, with no decommissioning plan in the record.

Criterion D7. The staff response states that impact to public interests "is being considered," that water use "will be minimized" based on "technological advances," and that "data to support these claims shall be provided by applicant prior to permits being issued." This is a deferral, not a finding. The CUP is the threshold permit for an unlisted use under 17.01.160.C; if the data needed to evaluate the use is not in the record at the time of CUP review, the criterion has not been met.

Consistent with the Hearing Examiner's authority under 17.02.600.C.2 to specify actions the applicant could take to obtain approval, I respectfully request that the hearing be continued until the applicant has placed in the record: (1) the Planning Director's formal interpretation under 17.02.180 with findings on each of the four standards in 17.01.160.C.3; (2) a completed Idaho Power impact analysis and a binding cost-recovery agreement protecting residential, irrigation, and small commercial ratepayer classes from data-center-driven generation, transmission, and substation costs; (3) a signed Industrial User Pretreatment Permit with the Pocatello Water Pollution Control Facility, with full chemical disclosure and discharge characterization; (4) an Idaho DEQ air construction permit for any on-site combustion equipment, including interim gas turbines; (5) a Pocatello Fire Department approved emergency response plan addressing secondary access, lithium-ion battery thermal runaway, and on-site combustion sources; (6) an analysis of waste heat rejection and air quality impacts in the Portneuf Valley airshed; and (7) a development agreement specifying verified capital investment and permanent employment targets with clawback provisions.

In the alternative, if the Hearing Examiner determines that the application cannot meet its burden under 17.02.130.D on the present record, I respectfully request denial under Optional Motion 2 in the staff report, on the basis that the record cannot support the required findings under at least criteria D1, D4, D6, and D7.

Thank you for your consideration. I respectfully request that this letter be entered into the public record for File CUP26-003.

Respectfully,



Juliana Schirmer
4335 Johnny Creek Rd
Pocatello, ID 83204

Flynn, Jennifer

From: Luke Jepma <ljepma1996@gmail.com>
Sent: Thursday, May 14, 2026 10:57 AM
To: _City.Council; Nichols, Anne; Planning
Subject: Purposed AI data Center

Some people who received this message don't often get email from ljepma1996@gmail.com. [Learn why this is important](#)

Hello,

I am emailing as an extremely concerned, **voting**, citizen who is unfortunately out of town today, and cannot attend today's open forum regarding the purposed AI data center.

I will keep my message short. Please, for the love of God do not allow this to happen. We do not want Arizona (or any other state or country) based companies coming in and poisoning our land and our water. The "jobs" this will bring in will not stay and the money will be shipped out. We will get none of the benefit from this. **We do not want this.**

Best regards,
Luke Jepma

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Online Form Submittal: Email the Pocatello City Council
Date: Thursday, May 14, 2026 11:54:57 AM

PC 50

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 11:47 AM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name Cyrus Johns

Email cyruspitches@gmail.com
Address

Phone 2083576977
Number

Message Pocatello AI Datacenter

I stand in complete opposition to the proposed AI datacenter being considered for construction.

- Water. While the proposed plan indicates the use of a closed loop cooling system, and emphasizes that there will be minimal impact on potable water, It mentions nothing about non-potable water. Non-potable water is important and usable for irrigation and many other purposes. The impact on the potable and non-potable water must be disclosed before this project can move forward.

-Power. The proposed project indicates needing upwards of 100MW of power which is not available at the moment. They indicate that gas turbines will be needed to supplement the power. How will this affect other gas users in the area? While gas turbines burn natural gas and are often considered clean, it is documented that they still produce pollution. What will the pollution impact from these turbines be on the residents of Pocatello and the surrounding area? This must be answered before the project receives approval. [1]

-Noise

AI data centers emit low frequency sounds that are linked to negative health effects. People living around data centers have reported nausea, disorientation, and other health effects from these low frequency noises. [2]

-Heat

All heat extracted from a datacenter is dumped into the surrounding environment. All 100MW of power will at some point be converted to heat and released outside the facility. Research has shown that data centers raise the environmental temperature surrounding them by 2 to 15 degrees Fahrenheit. This heat bubble can extend up to 6 miles surrounding the datacenter. [3]

In conclusion, the developers of this datacenter have not answered many important questions surrounding this project. These questions could be the difference between Pocatello and the surrounding area being a great place to live or becoming a resource starved, unclean, unlivable slave to an AI datacenter. Public opinion is against the project. I urge you to listen to their concerns and vote no on the conditional use permit.

[1] <https://turbineap.edf.org/>

[2] https://youtu.be/_bP80DEAbuo

[3]

https://www.researchgate.net/publication/403073048_The_data_heat_island_effect_quantifying_the_impact_of_AI_data_centers_in_a_warming_world

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From: [Kaylee Hibbert](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Date: Thursday, May 14, 2026 11:59:56 AM

PC 51

Some people who received this message don't often get email from kayleehibbert@isu.edu. [Learn why this is important](#)

To whom it may concern,
I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,
Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.
Warmly,

Proud Idaho Resident
Kaylee Hibbert

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Online Form Submittal: Email the Pocatello City Council
Date: Thursday, May 14, 2026 11:45:16 AM

PC 52

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 11:45 AM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name Carina McKenzie

Email cjohns0214@gmail.com
Address

Phone Number *Field not completed.*

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[3]

https://www.researchgate.net/publication/403073048_The_data_heat_island_effect_quantifying_the_impact_of_AI_data_centers_in_a_warming_world

Sincerely,
A concerned Eastern Idahoan

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05/14/26

RE: Request for Conditional Use Permit for potential data center located at 1800 River Park Way.

Dear Hearing Examiner:

I am writing to **oppose the application** as submitted. My reasoning is as follows:

Criteria: Is compatible with existing and permitted land uses within the general area.

17.02.130.D3

The applicant points out that "compared to many permitted uses in the area, such as retail, distribution, or manufacturing, the data center generates significantly less traffic noise and activity."

The applicant ignores that compared to the surrounding retail, distribution, or manufacturing uses, the majority do not operate 7 days per week, 24 hours per day and that most traffic noise and activity are during normal business hours.

Less traffic, employees or customers does not eliminate potential noise pollution which will be generated 24-7 by the proposed data center whereas night-time noise pollution now is minimal if not non-existent.

This project will initially and for an unknown period of time be off-grid. On-site industrial diesel-powered generators generate create noise up to 105 decibels. Natural gas-powered turbines which are retrofitted jet engines bolted to the floor) are also extremely loud and have been reported to be as loud as a passenger jet. In addition, residents living near other AI data centers, report the cooling fans necessary for the closed-loop liquid cooling run 24/7 create a constant humming noise. This hum, measured as infrasound, is below our human hearing threshold, but can be felt. It can disrupt sleep also cause dizziness and nausea. This facility is located too close to residentially zoned areas.

Per the Environmental and Energy Study Institute (ESI)," . . . sounds above 85 decibels are considered harmful to a person's ears and " . . . that noises above 65 decibels are enough to cause an increase in stress and blood pressure." The ESI also states "High noise levels, particularly at night, can cause sleep deprivation and decreased cognitive performance, which shows up in poor school or work performance. The elderly, children, shift workers, the less affluent, and people with chronic illnesses are most like to be impacted by noise pollution."

At the very minimum, an applicant-funded study should be completed before issuing any permits and sufficient acoustic shields should be required to eliminate any noise pollution as a condition of this application. However, I the application should be denied and no gamble taken on the health and well-being of our citizens until the long-term impact of infrasound is known and what will effectively mitigate the problem.

<https://www.eesi.org/articles/view/communities-are-raising-noise-pollution-concernsabout-data-centers+>

Criteria: Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health safety and welfare. 17.02.130.D4

The applicant failed to provide any evidence it could be adequately served by existing public facilities (water, wastewater, fire, etc.) Staff Review comments included the questions submitted by the City's Water Pollution Control: "How much wastewater will be discharged? A ballpark number in gallons. Will any pretreatment be required? Will there be any chemicals being discharged?" These questions were unaddressed. Most importantly, no evidence is offered that existing fire protection facilities are adequate to provide fire protection. Industrial buildings are permitted up to 120 feet in height. The City has one (1) ladder truck that reaches 100 feet. AI data centers are high risk for fires due to the heat they generate and concentration of electrical equipment.

Criteria: Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established. 17.02.130.D6

Staff stated: "Based on the limited information provided, environmental impacts will be limited as technology advances. This is NOT a statement of fact. It is wishful thinking with no definitive timeline. This application should be evaluated based up **existing technology**. There are a number of environmental impacts experts and residents have warned about to include noise pollution that cause health and wellness issues, air pollution from generators, and potential pollution to the nearby Portneuf River. Staff also states: City will defer to utilities and other agencies to address environmental impact . . ." The City should not defer these decisions to other agencies as they are biased toward the revenue the project will generate. Our citizens should not shoulder the consequences and potential cost of adverse impacts because the City chooses to relinquish its responsibility to protect its citizens from a variety of environmental impact to other agencies.

The Applicant does NOT address potential adverse environmental effects in their response and instead focuses on the aesthetics of the development. They provide no specifics as to the type of off-grid power generators that will be used, the emissions of the facility, or the content of their wastewater discharge. Therefore, there is **no evidence that the development will not adversely affect the environment**.

Thank you for consideration of this information. I respectfully ask you to **deny the application for conditional use permit as submitted** since it fails to meet the criteria necessary.

Sincerely,

Heather Disselkoen

Heather Disselkoen

From: [Leah Johnston](#)
To: [Planning](#)
Subject: Opposition to Conditional Use Permit File CUP26-003 – AI Data Center
Date: Thursday, May 14, 2026 11:22:40 AM

PC 54

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To the Hearing Examiner,

I am writing to formally oppose the Conditional Use Permit (CUP) application for the proposed \$2.26 billion AI Data Center at 1800 River Park Way.

As a resident of Pocatello, I do not believe the city possesses the necessary infrastructure to support a project of this magnitude without significant detrimental effects on our community.

Per Pocatello Municipal Code 17.02.130.D, I request that you deny this permit based on the following failures to meet required findings:

1. Inadequacy of Public Services (Criteria 17.02.130.D.4)

The application fails the test that the use "could be adequately served by public facilities and services".

Electrical Infrastructure: The proposed 200 MW build-out would roughly double Pocatello's current energy consumption.

Grid Unreadiness: Idaho Power has confirmed that no final service plan has been approved and that the necessary infrastructure to serve this project does not currently exist.

Sequencing Errors: Approving a permit before Idaho Power and the City complete impact studies on water, wastewater, and electrical capacity reverses proper due process. The city should not approve a CUP based on the "hope" of future utility negotiations.

2. Incompatibility in Intensity (Criteria 17.02.130.D.5)

The code requires the use to be "harmonious in scale... and intensity with all adjacent permitted land uses".

Industrial Mismatch: While the site is zoned Industrial (I), a single facility that doubles a city's total electrical load is not compatible with local industrial intensity. As noted in file "1000045798.jpg," this is a regional-scale undertaking improperly framed as a local conditional use.

3. Environmental and Public Health Risks (Criteria 17.02.130.D.6 & D.7)

The proposal would "adversely affect the environment to a greater degree" than permitted uses and would be "detrimental to public health".

Emissions in the Valley: To bridge the power gap, the applicant proposes on-site gas turbines. Pocatello is subject to severe wintertime temperature inversions. Adding a 100–200 MW continuous combustion source upwind of residential neighborhoods and schools during inversion weeks introduces a foreseeable health crisis.

Unverifiable Water Claims: The applicant claims "near-zero" potable water use via a closed-loop system. However, industry practice often retains the option to switch to evaporative cooling under high-density compute loads. Without binding engineering specifications, these claims are mere "marketing assertions" rather than enforceable permit terms.

4. Financial and History Concerns

The history of the Hoku site is one of ambitious promises followed by defaults. Granting a permit to Lex Developments—a firm whose specific background remains unclear—without completed utility, air quality, and ratepayer-protection agreements repeats a pattern of local risk for theoretical gain.

Conclusion

I urge the Hearing Examiner to deny this CUP. At a minimum, if considered, I request stringent conditions:

Height Restrictions: Limit building heights below the 120-foot industrial maximum to preserve valley views and air dispersal.

Sound Mitigation: Require evidence-based sound buffering, as high-density AI cooling fans produce significantly different noise profiles than standard warehouses.

Binding Agreements: Require a signed energy services agreement and a decommissioning bond before any permit is issued.

Respectfully,

Leah Johnston

From: [T. Smith](#)
To: [Planning](#)
Subject: Nobody wants this stupid datacenter
Date: Thursday, May 14, 2026 11:29:01 AM

PC 55

Some people who received this message don't often get email from tyleraverysmith2007@gmail.com. [Learn why this is important](#)

I know you members of city government are walking government but get it through your thick skulls that NOBODY wants this garbage in their town

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Online Form Submittal: Email the Pocatello City Council
Date: Thursday, May 14, 2026 11:36:25 AM

PC 56

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 11:35 AM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name Matthew

Email mckmatthew01@gmail.com
Address

Phone 2085093744
Number

Message Pocatello AI Datacenter

I stand in complete opposition to the proposed AI datacenter being considered for construction.

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[2] https://youtu.be/_bP80DEAbuo?si=PFzvJoMKILtumS79

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From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Online Form Submittal: Email the Pocatello City Council
Date: Thursday, May 14, 2026 12:06:29 PM

PC 57

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 12:05 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name Giulia Johns

Email gjohnsif@gmail.com
Address

Phone Number *Field not completed.*

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From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Online Form Submittal: Email the Pocatello City Council
Date: Thursday, May 14, 2026 12:07:50 PM

PC 58

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 12:06 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name NATHAN JOHNS

Email nbjohns03@msn.com
Address

Phone 2083463482
Number

Message Pocatello AI Datacenter

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-Power. The proposed project indicates needing upwards of 100MW of power which is not available at the moment. They indicate that gas turbines will be needed to supplement the power. How will this affect other gas users in the area? While gas turbines burn natural gas and are often considered clean, it is documented that they still produce pollution. What will the pollution impact from these turbines be on the residents of Pocatello and the surrounding area? This must be answered before the project receives approval. [1]

-Noise

AI data centers emit low frequency sounds that are linked to negative health effects. People living around data centers have reported nausea, disorientation, and other health effects from these low frequency noises. [2]

-Heat

All heat extracted from a datacenter is dumped into the surrounding environment. All 100MW of power will at some point be converted to heat and released outside the facility. Research has shown that data centers raise the environmental temperature surrounding them by 2 to 15 degrees Fahrenheit. This heat bubble can extend up to 6 miles surrounding the datacenter. [3]

In conclusion, the developers of this datacenter have not answered many important questions surrounding this project. These questions could be the difference between Pocatello and the surrounding area being a great place to live or becoming a resource starved, unclean, unlivable slave to an AI datacenter. Public opinion is against the project. I urge you to listen to their concerns and vote no on the conditional use permit.

[1] <https://turbine-map.edf.org/>

[2] https://youtu.be/_bP80DEAbuo

[3]

https://www.researchgate.net/publication/403073048_The_data_heat_island_effect_quantifying_the_impact_of_AI_data_centers_in_a_warming_world

Email not displaying correctly? [View it in your browser.](#)



From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: CUP - File CUP26-003
Date: Thursday, May 14, 2026 12:18:22 PM

PC 59

From: K. F. <firekrys77@gmail.com>
Sent: Thursday, May 14, 2026 10:30 AM
To: Beebe, Skyler <sbeebe@pocatello.gov>
Subject: CUP - File CUP26-003

You don't often get email from firekrys77@gmail.com. [Learn why this is important](#)

Skylar,

I am writing this email in support of a Conditional Use Permit being granted for 1800 River Park Way to be used as a data center.

Thank you,

Krystal Firebaugh

Pocatello Citizen

From: [Emily Velez](#)
To: [Planning](#)
Subject: Opposition to proposed data center - negative impact
Date: Thursday, May 14, 2026 12:18:30 PM

PC 60

Some people who received this message don't often get email from emily.hubbard7@gmail.com. [Learn why this is important](#)

Here is my letter.

To the Hearing Examiner,

I am writing to formally oppose the Conditional Use Permit (CUP) application for the proposed \$2.26 billion AI Data Center at 1800 River Park Way.

As a resident of Pocatello, I do not believe the city possesses the necessary infrastructure to support a project of this magnitude without significant detrimental effects on our community.

Per Pocatello Municipal Code 17.02.130.D, I request that you deny this permit based on the following failures to meet required findings:

1. Inadequacy of Public Services (Criteria 17.02.130.D.4)

The application fails the test that the use "could be adequately served by public facilities and services".

Electrical Infrastructure: The proposed 200 MW build-out would roughly double Pocatello's current energy consumption.

Grid Unreadiness: Idaho Power has confirmed that no final service plan has been approved and that the necessary infrastructure to serve this project does not currently exist.

Sequencing Errors: Approving a permit before Idaho Power and the City complete impact studies on water, wastewater, and electrical capacity reverses proper due process. The city should not approve a CUP based on the "hope" of future utility negotiations.

2. Incompatibility in Intensity (Criteria 17.02.130.D.5)

The code requires the use to be "harmonious in scale... and intensity with all adjacent permitted land uses".

Industrial Mismatch: While the site is zoned Industrial (I), a single facility that doubles a city's total electrical load is not compatible with local industrial intensity. As noted in file "1000045798.jpg," this is a regional-scale undertaking improperly framed as a local conditional use.

3. Environmental and Public Health Risks (Criteria 17.02.130.D.6 & D.7)

The proposal would "adversely affect the environment to a greater degree" than permitted uses and would be "detrimental to public health".

Emissions in the Valley: To bridge the power gap, the applicant proposes on-site gas turbines. Pocatello is subject to severe wintertime temperature inversions. Adding a 100–200 MW continuous combustion source upwind of residential neighborhoods and schools during inversion weeks introduces a foreseeable health crisis.

Unverifiable Water Claims: The applicant claims "near-zero" potable water use via a closed-loop system. However, industry practice often retains the option to switch to evaporative cooling under high-density compute loads. Without binding engineering specifications, these claims are mere "marketing assertions" rather than enforceable permit terms.

4. Financial and History Concerns

The history of the Hoku site is one of ambitious promises followed by defaults. Granting a permit to Lex Developments—a firm whose specific background remains unclear—without completed utility, air quality, and ratepayer-protection agreements repeats a pattern of local risk for theoretical gain.

Conclusion

I urge the Hearing Examiner to deny this CUP. At a minimum, if considered, I request stringent conditions:

Height Restrictions: Limit building heights below the 120-foot industrial maximum to preserve valley views and air dispersal.

Sound Mitigation: Require evidence-based sound buffering, as high-density AI cooling fans produce significantly different noise profiles than standard warehouses.

Binding Agreements: Require a signed energy services agreement and a decommissioning bond before any permit is issued.

Respectfully,

Emily Velez

From: [Paula Phelps](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: AI data center proposal
Date: Thursday, May 14, 2026 12:27:40 PM

PC 61

Some people who received this message don't often get email from paulaphelps@isu.edu. [Learn why this is important](#)

Dear Mayor, City Council, and City Planning Development Department:

My name is Paula Phelps and I am a long time resident of Pocatello (since 1993). I am strongly opposed to the AI data center proposal along the Portneuf River at the site of the old Hoku plant. My main reasons are connected to the river itself.

The Portneuf river is such an amazing asset to the City of Pocatello. It is a beautiful and environmentally important part of our city. If we allow a data center to be placed near its banks it could potentially cause irrevocable environmental harm; use up a precious resource in a drought ridden state; and destroy the site for a different potential economic use - urban planning for a greenway. Look at other cities in the intermountain west, like Boise and Missoula and see how they have capitalized on their rivers for greenways, shops, restaurants, and very desirable housing. They have utilized the rivers that run through their cities to attract new businesses, residents, and healthy urban growth. They have created a very desirable place for tourism, recreation, and new residents to live.

Please vote no on the AI data center and instead consider the initiation of an urban planning project which capitalizes on the Portneuf River in a way that will protect and sustain the resource, and also benefit all current and future community members both environmentally and economically.

Thank you for your consideration of this very important matter and also, thank you for your service to Pocatello.

Sincerely,

Paula Phelps

From: [Raegan Gould](#)
To: [Planning](#)
Subject: Proposed AI Data Center
Date: Thursday, May 14, 2026 12:38:31 PM

PC 62

[Some people who received this message don't often get email from raeanderton4@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To Whom It May Concern:

I am writing to oppose the Conditional Use Permit (CUP) application for the proposed \$2.26 billion AI Data Center to be located at 1800 River Park Way.

I have been a resident of Pocatello since my childhood and do not believe this center will improve or actually benefit our city. The roots of my opposition are as follows:

- 1) I am very concerned the city infrastructure is incompatible with the energy required for the center. The approval of this permit before actually having the capacity to power the facility is ludicrous.
- 2) Undesired effects on our local ecosystem such as water pollution, increased noise, increased emissions (especially during winter inversions), and light pollution.
- 3) The permit request is rather ambiguous and non-binding about important details (such as environmental implications and proposed remediations), and there is no protection involved for Pocatello or its residents.
- 4) Frankly, it will become a blemish to our valley looking westward.

Opening the door and approving this CUP that could negatively impact the area is irresponsible. Please consider citizen concern and opposition as the final decision is made.

Thank you,
Raegan Gould

From: [E Sobeck](#)
To: [City Council](#); [Planning](#); [Nichols, Anne](#)
Subject: Proposed AI Data Center - Vote NO
Date: Thursday, May 14, 2026 12:51:19 PM

PC 63

Some people who received this message don't often get email from esobe14@zirkel.us. [Learn why this is important](#)

Hello all,

My name is Erik Sobeck and as someone that lives and works in Pocatello, I have deep and legitimate concerns regarding the AI data center being proposed for the former Hoku Materials polysilicon plant. I urge you to VOTE NO on this project for the following reasons:

1) I recognize that Pocatello needs local industry/manufacturing to support the local economy and provide jobs for hard working Pocatellans. In fact, I was impacted by the recent LA Semiconductor plant closure and am currently out of work. HOWEVER, this AI data center will not provide jobs nor contribute to the local economy. Lex Developments LLC, the company behind the proposal, is not licensed to do business in Idaho and has intentionally not specified where they are located. They even acknowledge the site will have "limited on-site staffing". If this project is approved, Pocatellans will suffer the negative effects of an AI data center without reaping any benefit.

2) AI data centers contribute to the production of PFAS that can accumulate both in the environment and in the human body, causing long term health impacts. Researchers have found that PFAS have negative impacts on fetal growth, organ development, reproductive health, and other biological processes and have been linked to causes of cancer. This is especially concerning for high risk groups such as children, elderly, and people with pre-existing conditions.

3) Large AI data centers are known to consume up to 5 million gallons per day. Pocatello and Idaho as a whole are already in a resource desert and suffer the impacts of drought including but not limited to negative impacts on food production and agriculture as well as increasing wildfire risk. Humans can only survive a few days without water. Water shortages are reducing water availability, negatively impacting our communities and their health.

4) Power demands from AI data centers are contributing to higher energy bills. For members of our community who are already struggling economically, higher energy bills will be another obstacle to meeting their basic health and wellness needs.

I believe opposition to the AI data center proposal is truly bipartisan and that voting yes on this proposal will be seen as a betrayal to the Pocatello community at large. As elected officials, you are entrusted to be our voice in forums such as these. Once again, I urge you to VOTE NO on this proposal.

Thank you for your time.

Regards,
Erik Sobeck

From: [jason dirt](#)
To: citycouncil@pocatell.gov; mayor@pocatell.gov; [Planning](#)
Date: Thursday, May 14, 2026 1:10:59 PM

PC 64

Some people who received this message don't often get email from slicktherodeoclow@gmail.com. [Learn why this is important](#)

I'm disappointed and disgusted at the way you all have handled this. And I need to say

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,

Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.
Warmly,

Proud Idaho Resident
Name

From: [Sunny Sage](#)
To: citycouncil@pocatello.give; mayor@pocatello.goc; [Planning](#)
Subject: AI DATA CENTER OBJECTION
Date: Thursday, May 14, 2026 1:21:06 PM

PC 65

Hello all.

I have lived here my whole life.

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

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There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.
Warmly,

Proud Idaho Resident
Sunny Sage Bybee

From: [Tracie Mariani](#)
To: [Planning](#); [City Council](#)
Subject: Data Center
Date: Thursday, May 14, 2026 1:21:11 PM

PC 66

[Some people who received this message don't often get email from maritrac@isu.edu. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

I just wanted to say that I am opposed to the data center--basically because of the amount of water and electricity needed.

Thank you.

Tracie Mariani

From: [Jan Henriksen](#)
To: [Planning](#)
Subject: AI data center in Pocatello
Date: Thursday, May 14, 2026 1:25:11 PM

PC 67

Some people who received this message don't often get email from pezvela7@yahoo.com. [Learn why this is important](#)

These are my concerns about the proposed AI data center in Pocatello:

1) Extremely short notice of hearing to be held allowing residents to voice their concerns. The short notice allowed no time for residents to have awareness of the hearing or to become educated about the consequences for the community. These seems to be an improper protocol.

2) Extreme noise and light pollution for nearby residents causing major decrease of quality of living with sharp decline in property values.

3) Water demand on a region that is already declared to be in a drought with farmers's water already being curtailed.

Where is this extra water for the data center coming from?!

The closed loop system that claims to conserve water is misleading.

Closed loop systems require mechanical components to cool requiring continuous electricity to function, especially in the high density AI environment.

This electricity such as thermoelectric power that Idaho power provides uses a tremendous amount of water to generate. Thus the closed loop system hides the true water usage.

Has there been a water usage study on this?

Where is the benefit for Pocatello versus water availability for the community and agriculture?

4) Closed-loop liquid cooling increases load on the power grid with electric rates going up over 267% near major AI data center developments. In some areas residents have decreased electricity availability.

Has there been an electricity usage study on this?

Residents struggle to pay their electric bills without extra costs being added in as it is!

5) How will the Portneuf river which is located next to the data center be protected from contamination from wastewater. What agency will overlook this and will this be of public record for residents?

The Portneuf river flows into the Snake River with heavy use of its water for agriculture food crops.

6) Sharp increase in heat release in environment surrounding data center from 3.6 degrees up to 16 degrees. The temperatures effect areas up to 6.2 miles away which would impact the environment and living conditions of Pocatello.

Has there been a environment study on this?!

There needs to be an interim ordinance that prevents these developments until we have proper definitions and regulatory standards.

Thank you for your attention to these concerns.

Jan Henriksen
Pocatello resident
Pezvela7@yahoo.com

[Mail: Search, Organize, Conquer](#)

From: [Logan Dayley](#)
To: [City.Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Ai data center opposition
Date: Thursday, May 14, 2026 1:30:18 PM

PC 68

Some people who received this message don't often get email from logan.dayley@gmail.com. [Learn why this is important](#)

"I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

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There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.
Warmly,

Proud Idaho Resident"
Logan Dayley

I'd like to add in, that it would be catastrophic to the socioeconomic diversity of Idaho, to impose this catastrophe of a decision. Lives would be ruined, societal pressure would be

heightened, and doing so would do more damage than good. Thank you for your time in hearing me.

From: [Nancy Legge](#)
To: [City.Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Concerns about the conditional use permit at Hoku site
Date: Thursday, May 14, 2026 1:32:50 PM
Attachments: [Concern about CUP for Hoku property.docx](#)

PC 69

Some people who received this message don't often get email from nancy.legge@live.com. [Learn why this is important](#)

Attached is my 2-page statement of concerns about the CUP proposal that will be heard this evening. I will be attending and hope to speak as well. But, I also want to submit my comments directly to you.

Thank you for the opportunity to speak out. I appreciate that this is part of the democratic process and that no decisions have been made yet. I also appreciate that you're asking for input and trust that you will listen to constituents.

Sincerely,
Nancy L DiSanza
5220 Country Club Drive
Pocatello, ID 83204

From: [Heather Smith](#)
To: [Planning](#)
Subject: Cup26-003@riverplex complex
Date: Thursday, May 14, 2026 1:51:36 PM

PC 70

Some people who received this message don't often get email from heather.smith970@yahoo.com. [Learn why this is important](#)

To whom it may concern, this email is to raise my voice in extreme opposition to the data center you are entertaining.

It is well known that no data center in the WORLD has kept its promises about water use, energy use, or the effects they have on their neighboring communities.

Data centers cause water and energy prices to skyrocket everywhere they are built, this information is easily available and that alone should make the decision easy for you. The people of Pocatello are not in the financial position to foot bills like that, let alone deal with the extreme issues that will come from the environmental impact it will have.

We live in a beautiful state and our city is in a desert, we are already in or looking at being in a drought in a month.

All of the people I have talked to are extremely worried about summer this year because of how dry winter was, we have almost no snow pack at all. We simply don't have the resources to support a data center even if we wanted to, which by the way, we do NOT. I have not met one person that supports data centers, let alone the exorbitant amount that are popping up like bad acne all across the globe.

If you are in a position of power in this state, I imagine you have some kind of respect, hopefully even some love for the beautiful landscapes, ecosystems and agriculture the beautiful state of Idaho boasts.

The hubris of men does not need to, and frankly cannot continue to wreak any more havoc. We are already having water issues here, why would it even be considered to bring in a succubus like a data center when we are already having water rights issues etc? I am certain that many other people will give you the obvious stats, data etc to prove to you that bringing in a data center is absolutely not an option, I could do that in this email, but I think its more important to remind you, that you are people. We cannot just let people destroy the places we love because they have money. At some point integrity, character, morals and ethics have to step in. So I am asking you to tap into your integrity, character, morals, and ethics. You know what's right, don't even entertain this. No one that will ACTUALLY be affected wants this. Do the right thing, you have this position because people thought you were trustworthy, don't prove them wrong.

Thank you for your time, I look forward to being proud to be from the city that listened to their people, instead of ignoring them for greed or whatever reason other cities are ignoring the voices of the masses. I know you will make the right choice.

Heather Smith

[Yahoo Mail: Search, Organize, Conquer](#)

From: [Joyce Bybee](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Deny the CUP for the Proposed data center.
Date: Thursday, May 14, 2026 2:01:02 PM

PC 71

Some people who received this message don't often get email from joycerose.bybee@gmail.com. [Learn why this is important](#)

The CUP for the proposed data center should be denied. The first criteria for review is:
17.02.130.D2: Is consistent with the goals and policies of the comprehensive plan of the city.

The proposed data center is not consistent with the 2040 comprehensive plan. Each of the plan's vision elements has goals to implement the vision.

Vision 1: Outdoor oriented

Goal 4: Guide and plan for the protection, development, and acquisition of public access to the natural resource amenities within and surrounding the Portneuf River Valley. The applicant has not addressed the impact the proposed data center will have on our love of the outdoors. The proposed data center endangers public access to natural amenities. Reduced air quality forces nature-lovers indoors. A depleted aquifer lowers the water level on the river and the reservoir, which disappoints boaters and anglers. Increased power usage heightens fire danger, which devastates parks, trails, and the beauty of our town.

Vision 2: economically robust. "Growth for the sake of growth is the ideology of the cancer cell." – Edward Abbey. Page 35 of the comprehensive plan.

The applicant's proposed data center is not in line with our city's vision to promote Pocatello as a desirable place to live, work, and play.

Work: The applicant won't be hiring much long term staff to work here: The applicant refers to the staffing as "limited employee presence" in the response to 17.02.130.D3; The applicant refers to the traffic associated with use as minimal, consisting primarily of periodic employee access and occasional service or maintenance visits" in response to 17.02.130.D4; The applicant states that the operational intensity is low "due to limited staffing and reduced activity levels" in response to 17.02.130.D6.

Play: As far as making Pocatello desirable, the proposed data center is nowhere near as exciting as the new skatepark, the Ross Park swimming pool, or First Friday Artwalk.

Live: The potential data center's impact on air quality, noise pollution, and likely increased cost of energy will make Pocatello a less pleasant place to live.

The city's comprehensive plan has a vision to be environmentally resilient.

Goals are to protect and enhance the quality and quantity of ground and surface water resources in the Portneuf River Valley.

The staff review at 17.02.130.D4 states that the needed quantities of water and sewer disposal have not been provided by the applicant. The applicant's only response is that existing facilities would be adequate for the proposed data center's needs. They do not provide any metrics or engineering data for depletion of the Portneuf River Valley's water resources other than to state that the impact of the facility will be "minimal." Minimal according to what standard? That is not an enforceable or measurable standard.

The staff review at 17.02.130.D4 states that the proposed data center's power will be supplemented by gas turbines until Idaho Power can implement a plan to provide power. The emissions will impact air quality, and runoff will impact water supplies. The applicant's response does not consider the impact of gas turbine emissions on the Portneuf River Valley. Goal to conserve and enhance natural resources by minimizing the risk of potential damage to life and property susceptible to wildfires.

The applicant does not address the immense risk of wildfire which is presented by the proposed data center. Lithium ion batteries are the back up power supply of choice, and they are a significant fire safety risk.

The city must deny the conditional use permit for the proposed data center.

Sincerely,

Joyce Bybee

156 1/2 McKinley Ave Pocatello, ID 83201

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: Fwd: Public Comment, Hoku industrial lot, Data Center Conditional Use Permit
Date: Thursday, May 14, 2026 2:19:25 PM

PC 72

Begin forwarded message:

From: Jeremiah Schilz <schilzjer@gmail.com>
Date: May 14, 2026 at 2:10:41 PM MDT
To: "_City.Council" <City.Council@pocatello.gov>
Subject: RE: Public Comment, Hoku industrial lot, Data Center Conditional Use Permit

Some people who received this message don't often get email from schilzjer@gmail.com. [Learn why this is important](#)

Good morning esteemed members of the Council,

Thank you for allowing public comments & hearings on this proposal for data center development in our community. There have been many instances where public officials have neglected, and even overruled their own constituents concerning decisions about data centers within said jurisdictional areas, so your commitment to including the public means a great deal to me.

Concerning the data center, unless there is a way that the power costing can be isolated to the owner-operator of the facilities, and that stance be maintained...it's a no from me.

Unless we can guarantee that the water needs of this project won't significantly impact the people of Pocatello, and more importantly, the environment & water needs of our fellow constituents in other counties...it's a no from me. I'm talking the chemicals in the water and the amounts used, also keeping the cost isolated from the public as much as possible. The Governor has declared a drought state, and farmers water rights are already in contention. The industries in Boise will already be putting a strain upon the water rights of us upstreamers, so the less stress we can place on that the better. This way we ensure that there will be water in this state for years to come (because let's be real, water rights are going to be an issue of the future in the west).

If these two contingencies can be accounted for? I am ok with the CUP being granted, or the CUP being granted currently with contract deliverables based upon the two points prior. Wherein, should those two contingencies not be met then we have precedent to pull the plug on the project.

Thank you for your consideration, wishing you all the greatest of days and praying for a peaceful discussion of the matter tonight! May cool heads prevail.

With gratitude,
Jeremiah Mason Schilz

Madam Hearing Examiner,

I'm providing written testimony in OPPOSITION to the proposed AI Data Center. My reasoning is simply the applicant notes in their written narrative that "this project will inject substantial economic activity into the local economy. Notably, an estimated \$420-540 million will be spent directly with local suppliers, contractors, and service providers, delivering immediate and meaningful benefits to Pocatello-area businesses. The project will generate high-quality construction jobs, create long-term, high-paying technical positions..."

- Construction jobs will no doubt be created. I anticipate that many workers will be from out of State and all will leave once the job is completed – leaving the Pocatello CITIZENS with the aftermath of a concrete monolith. Research shows that once constructed - the operation creates little in the way of permanent jobs. **I don't believe that the use fulfills the Economic Strategy under Goal 2 of the Comprehensive Plan 2040 – specifically "actively recruit businesses that align with Pocatello's values and vision". The use ultimately does nothing to strengthen the local economy in the end.**
- Comprehensive Plan 2040 Environmentally Resilient means in part addressing Climate Change; Air Quality; Environmental Protection for Future Generations and Sustainable Development. The Vision reads **"In 2040, Pocatello residents embrace environmental resiliency resulting in increased community stewardship of the local and regional environment"**. The use relies heavily on natural gas which is contrary to decreasing our dependence of fossil fuels as noted under the above quote.
- GOAL 1 reads "Protect and enhance the quality and quantity of ground water and surface water resources in the Portneuf Valley". Strategy "C" states, "Implement and promote conservation programs to REDUCE water consumption within the City" **Bottom line – The application provides no detail to this end. The use will likely be contrary to Strategy.**
- GOAL 2 reads "Conserve and enhance the natural resources within and surrounding the Portneuf River Valley". Strategy "C" states, "Support local and regional partners in efforts to protect and enhance Portneuf River Valleys natural resources". The use is likely to achieve the total opposite.
- How much electricity will be needed to run such a facility 24 hours a day 365 days a year? No details are provided in the application to this end.

In conclusion – I implore you to adhere to the Goals and Strategies as provided in the Comprehensive Plan 2040 which reflects the voice of residents and is the guiding document for shaping Pocatello's future. Thank you for your consideration.

Matthew Lewis

Matthew Lewis

From: [Emily Hauser](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: OPPOSE THE DATA CENTER
Date: Thursday, May 14, 2026 2:34:16 PM

PC 74

Some people who received this message don't often get email from hauser5597@gmail.com. [Learn why this is important](#)

Hello,

My name is Emily Frausure and I am a lifetime resident of the Southeast Idaho area. I am writing to OPPOSE THE AI DATA CENTER that is being proposed in the old plant.

Data centers are harmful to the environment, harmful to the community, and not something the residents want. Listen to the will of the people and let's not repeat the disgrace that happened in Box Elder County where residents were shut out. SAY NO TO THE AI DATA CENTER.

From: [Erin Shelton](#)
To: [Planning](#)
Subject: AI Data Center Public Comment
Date: Thursday, May 14, 2026 2:34:40 PM

PC 75

Some people who received this message don't often get email from myteanotyours@gmail.com. [Learn why this is important](#)

To Whomever reads this email,

I am against the building of an A.I. Data Center in our town. I am against the building of something that will negatively impact our community and our natural resources for years (if not decades) to come. I understand that the money involved in the project is very tempting. However, it is my understanding that this data center will NOT be for local data support, but rather for much farther remote workers. To suggest a project like this that would consume vast amounts of water when we are facing drought conditions after a particularly dry winter seems unthinkable. And yet, here we are. Other data centers that have been constructed have put strains on their local water and power resources, and even raised temperatures of the nearby area. This spring has already been unseasonably warm and the board would like to build something that would increase that further?? Please do not build this thing. Please do not even consider it in the near future. There must be something better that can be done with the Hoku site, something that would actually bring jobs here and not just support states other than our own.

Thank you for your time.

Erin Shelton

From: [Mya A](#)
To: [Planning](#)
Subject: No Data Centers PLEASE! 11 Reasons why.
Date: Thursday, May 14, 2026 2:54:35 PM

PC 76

Some people who received this message don't often get email from amya9401@gmail.com. [Learn why this is important](#)

Pocatello Planning Committee:

I object to the presence of a data center, in Pocatello, Bannock County, or Idaho, for the following reasons:

Local effects:

1) Limited Economic Benefits

- While expensive to build, data centers often employ very few permanent staff, failing to provide significant job creation to the local communities.
- Meanwhile, the artificial intelligence that data centers power is threatening to [destabilize entire industries](#).

2) Severely increase the demand on our electric grid and likely would put the burden of the cost increase on the residents, who are already strapped due to the cost of living and low wages.

- a single large hyper-scale data center typically uses as much electricity as 100 households!
- massive data center campuses can consume far more, with the largest projects requiring enough power for nearly 500,000 to over 1 million homes
- global data centers are expected to consume roughly 1.5% to over 2% of total global electricity, a share that is growing rapidly

3) Use massive amounts of water and release toxic compounds

- a standard, medium-sized facility uses about 110 million gallons annually, while large hyperscale campuses can devour up to 5 million gallons daily—matching the peak consumption of a mid-sized town.
- **Wastewater Impact:** The water that exits cooling towers contains concentrated trace heavy metals, biocides, and corrosion inhibitors
- because data centers must source local water, they can rapidly deplete municipal drinking supplies and agricultural resources, especially in drought-prone regions.
- even if the air-cooling method is used instead, this then increases the demand on electricity even more!

4) Constant industrial noise pollution

- After a data center is built, it continues to [harm the quality of life](#) of its neighbors.

Local communities have [compared the constant buzzing](#) of data centers and their cooling systems to lawn mowers running 24 hours a day, which even closed windows don't shut out.

5) Air Pollution

- Many data centers use backup diesel generators to account for power outages and to take pressure off the electricity grid during times of peak demand. These generators are especially dirty, emitting [massive amounts of harmful pollutants](#) like nitrogen oxides. Nitrogen oxides and other air pollutants from diesel generators [exacerbate childhood asthma cases](#) and [elderly cognitive decline](#).

6) Raises the surrounding temperature creating 'heat islands'

- Data Heat Islands: Large-scale AI data centers produce immense heat that is rejected into the atmosphere, causing localized warming, similar to urban heat islands.
- Long-Range Impact: The warming effect is not restricted to the immediate building, with temperature increases observed up to 6.2 miles (10 km) from the facility.
- Significant Temperature Spikes: A 2026 study found an average land surface temperature increase of 3.6°F (2°C), with some areas experiencing spikes as high as 16.4°F (9.1°C).
- Operational Impact: The temperature rise is consistent across the globe, with studies confirming higher surface temperatures in the months after a facility begins operations.
- Water and Air Impact: Localized concerns also include heavy water usage and noise pollution, with some experts warning this heat can significantly alter local ecosystems

7) Huge in-town eye sore!

Nation-wide effects:

8) Data center are draining public funds

- Data centers introduce a host of environmental and health harms, and yet states are [forgoing many millions of dollars in tax revenue](#) to entice Big Tech to set up shop.
- will likely not contribute to our tax base

9) The Data Center Boom Is Imperiling the Entire Economy

- The AI boom is propped up on the precarious stilts of monumental debt,

speculation, and financial trickery. The way things are going, Big Tech may even [plunge us into an economy-wide meltdown](#) like the dot-com crash of the 2000s or the 2008 financial crisis.

- AI companies are already [hundreds of billions of dollars in debt](#). Their massive infrastructure buildout is funded by promises of profits that have yet to materialize. And they're using all sorts of [arcane financial tools](#) (including ones tied to other financial crises) to borrow more and more and more, creating a bubble that may pop at any moment.

Global effects:

10) Data Centers Create Toxic Trash Dumped on Other Countries

- The [servers, chips, and other computing components](#) inside data centers are destined for the trash in just a handful of years. Meanwhile, global electronic waste (e-waste) recycling systems are [not even close to catching up](#) to this new glut of trash. [Less than 25%](#) of e-waste gets recycled globally.
- Already, [high-income countries](#) have made a habit of dumping their e-waste on developing ones for "disposal." The workers and communities receiving this waste are [routinely exposed to heavy metals](#) like lead, mercury, and cadmium, which are linked to a host of health harms, from neurodevelopmental impairments to cancer.

11) AI Devours Our Sensitive Personal Data

- The generative AI tools driving much of the data center boom are basically massive prediction machines. They're "trained" to respond to a question or request based on what they "learn" from scanning vast treasure troves of information. This has led to [massive data scraping efforts](#) from AI companies.
- Any public information not behind a paywall may be [devoured by AI companies](#), including voter registration data, social media profiles, passport photos, and even credit card numbers. Some AI tools have even been trained on [private medical records](#) and [leaked or hacked materials](#).
- Companies also use [data from their own sites](#) — like Google searches, Facebook and Instagram shares, and Amazon purchases — to train their AI. Without regulation protecting our data, much of this scraping is entirely out of our control.

Data Centers are not good for our environment, economy, or security! Don't help spoil Idaho by allowing data centers to negatively impact our community.

Sincerely,

Amy Avila
1421 E. Clark St
Pocatello

From: [Peacock Farms](#)
To: [Nichols, Anne](#); [City.Council](#); [Planning](#)
Subject: AI Data Center
Date: Thursday, May 14, 2026 3:04:18 PM

PC 77

Some people who received this message don't often get email from farmspeacock@gmail.com. [Learn why this is important](#)

Hi I am opposed to this data center. I feel very strongly that this data center is going to drain our rivers, hurt our wildlife, and entire eco-system. I feel that our rivers are already struggling from drought, and this data center would only make conditions worse by taking our river water away from native wildlife.

Very Respectfully,
Colton Peterson
Peacock Farms

From: [Trish Kerner](#)
To: [Planning](#)
Cc: [Nichols, Anne](#); [City.Council](#)
Subject: Justification for denial of data center conditional use permit
Date: Thursday, May 14, 2026 3:05:22 PM

PC 78

Some people who received this message don't often get email from terner21@gmail.com. [Learn why this is important](#)

Dear Planning Department,

Thank you for your service to the citizens of Pocatello and for your careful, transparent, and thorough consideration of the conditional use permit request from Gus Shultz regarding permission to develop land for a data center at 1800 River Park Way, Pocatello Idaho. As a citizen of Pocatello and contributing member to this community and economy, I ask that you **move to deny the Conditional use Permit Application from Gus Shultz**. As I lay out below, the application does not meet the standards for approval under section 17.02.130.D of Pocatello City Code nor the Standards of the Pocatello Comprehensive Plan 2040.

The following are the values and associated goals of the Pocatello Comprehensive Plan 2040 and justification based on the information provided by the applicant of how this data center contradicts the values agreed upon by all departments of our city, our elected officials, and Pocatello Community.

Value 2: Economically Robust

Goal 2: Create a business environment that has a diverse economic base.

Justification:

While the applicant states that the proposed data center would diversify the local economy and create approximately 150–300 permanent, long-term jobs, the operational description provided throughout the application contradicts these claims. The applicant repeatedly characterizes the facility as having “limited employee access,” “limited staffing,” “reduced activity levels,” and “minimal traffic generation associated with periodic employee access and occasional maintenance visits.” These statements indicate that the project functions primarily as an automated utility-scale infrastructure facility rather than a significant long-term employment generator. Tax breaks are commonly used to attract this type of business, but if this project only brings in 25 jobs (a realistic estimate), and is given a tax break, then what is the economic benefit to our community?

Goal 4: Be a leader in regional economics.

Justification:

Regional economic leadership should include sustainable infrastructure planning, responsible utility management, development that aligns with long-term community goals, and transparency for the community. In this case, significant infrastructure uncertainties remain unresolved.

The proposal acknowledges that the required 100 megawatts of electrical demand “will not be available immediately” and that interim operations would rely on gas turbines. This indicates that existing infrastructure capacity does not currently support

the project as proposed. Proceeding before infrastructure impacts are fully understood or mitigated is inconsistent with the Comprehensive Plan's vision for coordinated and sustainable economic growth.

Value 3: Environmentally Resilient: In the application, the city stated "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge." .

Based on this value agreed upon in the Comprehensive plan, the city cannot defer on environmental impacts. The environmental sustainability of the project should be a part of the consideration of this conditional use permit.

Goal 1: Protect and enhance the quality and quantity of ground and surface water resources in the Portneuf River Valley.

Justification:

The applicant states that the facility would utilize a closed-loop cooling system that reduces water usage by approximately 80–95% compared to traditional systems that consume 3–5 million gallons of water per day during operation. However, the application does not provide clear data regarding the total water demand required to initially fill the system, ongoing replenishment needs, maintenance procedures, wastewater generation, or system draining requirements. **Based on their estimates, regular operations would still require 150,000 to 1,000,000 gallons of water/day.** This reality of water usage does not include water needed for non-regular operations.

City staff specifically noted that wastewater quantities have not been disclosed and requested additional information regarding pretreatment requirements and potential chemical discharge. These unresolved questions are particularly significant given that the City's primary wastewater interceptor line runs alongside or through the property. Without complete information regarding water consumption, wastewater discharge, and chemical management, the project cannot yet demonstrate consistency with the Comprehensive Plan's commitment to protecting water resources within the Portneuf River Valley.

Goal 2: Conserve and enhance the natural resources within and surrounding the Portneuf River Valley.

Justification:

The proposed facility represents an extremely resource-intensive land use, particularly regarding electrical demand and utility consumption. The project's anticipated power requirement of up to 100 megawatts — comparable to the annual usage of the entire City of Pocatello according to Idaho Power — raises substantial concerns regarding long-term resource sustainability and environmental impact.

Although the applicant characterizes the facility as “low impact,” the scale of required infrastructure expansion, utility demand, and interim reliance on gas turbines suggests otherwise. The proposal does not yet adequately demonstrate how natural resource impacts will be minimized or mitigated consistent with the City's environmental resilience goals, nor the impact on our air quality and long-term public health.

The proposed site is located adjacent to the Portneuf River and directly across from

the Abraszewski Trail, which is part of the Portneuf Greenway system and is zoned Open Space. This location places the project in immediate proximity to one of the community's established recreational and environmental corridor areas identified within the Comprehensive Plan.

Given the project's scale, infrastructure demands, energy consumption, and environmental impacts, the proposal raises concerns regarding compatibility with the City's stated goals.

Goal 3: Mitigate climate change at the local level by adopting a Climate Action Plan.

Justification:

The proposal appears inconsistent with the Comprehensive Plan's climate and sustainability objectives due to its extraordinary energy demand and proposed interim dependence on gas turbine power generation. While the applicant emphasizes operational efficiency and reduced staffing impacts, the application does not sufficiently address greenhouse gas emissions, long-term energy sourcing, or climate mitigation strategies associated with a facility of this scale. **Where will the energy come from? How much water and resources will be used to generate energy of this scale?**

Additionally, City staff noted that "the greatest public impact appears to be power usage" and that supporting data regarding environmental claims must still be provided prior to permit issuance. Deferring environmental analysis and substantiation until after approval is inconsistent with the proactive sustainability framework envisioned in the Comprehensive Plan.

Goal 4: Cultivate compact development patterns and enhanced aesthetics that promote walkability, community health, reduced infrastructure, and energy costs.

Justification:

The proposed data center directly contradicts this goal. The project would require substantial utility infrastructure and exceptionally high energy consumption rather than reducing infrastructure or energy costs at the community scale, and decrease community health.

Value 4: Connected, Safe, and Accessible

Goal 2: Provide a safe transportation system that serves all users.

Justification:

The Fire Department identified that secondary access to the site will be required. This indicates that existing access and circulation infrastructure may currently be insufficient to safely accommodate emergency response and operational needs associated with the project.

Goal 5: Maintain and update existing infrastructure such as roads, sewer, water, and high-speed Internet.

Justification:

The application itself acknowledges that the required power infrastructure does not currently exist to support the project. Idaho Power indicated that the necessary 100 megawatts of electrical capacity is not immediately available, requiring interim

supplementation through gas turbines.

Additionally, City utility departments noted that wastewater quantities, pretreatment requirements, and sewer impacts remain unresolved. These statements directly contradict the applicant's assertion that the project can be "adequately supported by existing and planned public facilities." Current staff comments demonstrate that infrastructure capacity and compatibility have not yet been fully established.

All of this being said, the applicant says that current or planned utility infrastructure justifies approval of the application. This is just not true.

Value 5: Civic Collaboration

Goal 1: Bolster local government accountability and transparency through the efficient use of public funds.

Justification:

The proposal places substantial demands on public infrastructure systems while significant operational details remain undefined, including water usage, wastewater discharge, pretreatment requirements, and long-term utility impacts. Approving the project prior to resolving these questions may expose the City and taxpayers to future infrastructure burdens, upgrades, or service impacts that have not yet been fully evaluated. Transparency should be maintained and if this project is to move forward, commitments by the developer and city should be written in a **Community Benefit Agreement**.

Goal 4: Protect the health, safety, and welfare of the community by providing high quality services, infrastructure, and innovation.

Justification:

City departments and utility agencies have identified unresolved concerns regarding wastewater management, utility access, emergency access, and electrical infrastructure capacity. Proceeding with approval before these impacts are fully analyzed and mitigated may conflict with the City's obligation to protect public health, safety, and welfare through reliable and adequately planned infrastructure systems.

Thank you for taking the time to read through these justifications. I love Pocatello, and I want to see our economy thrive. But, this project does not align with the economic values of our town. It is not worth the long-term negative impacts. What will happen if this business goes bankrupt, who will be left to pay for the massive infrastructure investment. 10 years down the road, will we look back and be proud of this decision?

Best,

Trish Kerner

From: [Jordan Fox](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Opposition to AI Data Centers
Date: Thursday, May 14, 2026 3:20:43 PM

PC 79

Some people who received this message don't often get email from foxjordan668@gmail.com. [Learn why this is important](#)

Hello,

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

Basing this decision on limited information provided is short-sighted and comes across simply as a way to ignore the criteria by side-lining the problem to other agencies. Additionally, claiming that environmental impacts will be limited as technology advances. What technology? AI data centers are already *NOT* using current available technologies due to cost. It doesn't matter if the technology advances if the data center never plans to utilize it because it is expensive. This is simply unacceptable to ignore this critical criteria. AI data centers have already had adverse effects on their local environments.

Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to a data center. These community members have been told to find another option for power. Many of us in the Pocatello and surrounding areas live off city utilities, and how are they supposed to adapt if the infrastructure doesn't support them to simply "change utilities".

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought, illegally mind you, through an unauthorized water connection and then the established connection was not being metered properly. Last news I had heard on it was that the taxpayers have to manage the loss because no action is being taken against the data center. We are already looking at drought like conditions due to the warm winter and light snow pack. and now we are inviting a facility that is a massive natural resource drain into the area. We have evidence that shows these data centers demand huge amounts of water (<https://www.eesi.org/articles/view/data-centers-and-water-consumption>).

Alongside these issues are the less visible consequences of AI data centers. Data centers emit sound waves in the so-called infra-sound range in addition to the regular noise.,Infra-sound waves cause adverse effects on the local population in the form of nausea, sleep disturbance, insomnia, and physical reaction to the low-frequency vibrations (<https://www.tomshardware.com/tech-industry/artificial-intelligence/data-centers-face-increasing-infrasound-complaints-from-neighboring-communities-sounds-do-not-register-on->

[decibel-meters-but-irritate-local-citizens](#)). They are a noise pollution center in addition to their waste heat generation.

Idaho prides itself on its natural beauty and vast open parks, but inviting these data centers places these natural areas in danger. Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue. Waste heat generated by data centers can raise local temperatures by up to 16 degrees Fahrenheit! (<https://www.cnn.com/2026/03/30/climate/data-centers-are-having-an-underreported>). That's insane to subject local populace to such an increase in temperature that would effectively happen perpetually. The data center runs 24/7, there is no reprieve from these adverse effects. Long term effects on the environment are also unknown.

Lastly, I want to briefly touch on the jobs that an AI data center brings. After construction, data centers utilize a small work force for operations, and those are often remote workers. There is no guarantee that the jobs generated by a data center will actually benefit Idaho.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. Data centers are not sustainable for the environment, nor are they sustainable as long-term investments as a business. Thank you for your time.

From: [Elizabeth Bolinger](#)
To: [Planning](#)
Subject: File CUP26-003
Date: Thursday, May 14, 2026 3:21:04 PM

PC 80

[Some people who received this message don't often get email from bolieliz@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

> To Whom It May Concern:

>

> My name is Elizabeth Bolinger, and I am a life-long resident of the Pocatello area. I have read the article from the Idaho Sate Journal outlining the proposed data center, and I strongly urge you to say no due to its use of electricity, water, the way it will raise the temperature, and environmental factors.

>

> Pocatello has just gone through its driest winter in a generation. The lack of snowpack is compounded by the fact that the water in the Palisades and American Falls reservoirs goes to the Magic Valley because of long-standing water rights agreements. All farmers in the Pocatello area, Bannock County, Power County, and Arbon Valley use water that comes from the aquifer. The article mentioned that the system would use closed-system cooling, but did not specify how much water that would take. The lack of transparency is incredibly concerning. Equally concerning is that while closed-system cooling does use non-potable water, that same water is the kind used to irrigate crops. After it's been in the system, it is unfit to irrigate anything due to the chemicals it has come into contact with. Finally, will Oracle fully pay for the water they use AND guarantee it would not adversely affect Pocatello. I'm not convinced that's possible--water is a finite resource, especially in a drought year. There is already not enough water to finish the Northgate development in north Pocatello. The environmental impacts alone are, I believe, reason to say no.

>

> A second concern is energy consumption. The article stated that the center would use the same amount of power as the entire city of Pocatello. That's an huge number, and again, the infrastructure is not set up to take such a load on. What the article did not specify is who would pay for the power, and how the grid would be expanded. Again, the lack of transparency is a problem. If there's nothing to hide, all numbers should be out in the open. A major concern is that the cost, like in other places data centers have gone in, would be passed on to us, the customers. That much power usage would also cause a temperature rise that, again, Pocatello does not need.

>

> I understand that developing Pocatello is important, but on this point this center also does not make sense. The ISJ article mentioned a max of 300 jobs, but they would not be permanent. They'd be temporary during the building phase, and then go. In the meantime, property values would plummet as people would not move to Pocatello in the first place and leave if there are not enough resources or quality of life is adversely affected. That doesn't even mention noise concerns, which are also significant. Finally, the company does not give any concrete numbers about any benefit to the tax base. Once again, the lack of transparency gives me major pause.

> There are data centers that are being proposed all over the United States, to serious pushback. It seems that citizens of all these places being on the same page about this issue, while not a hard, data-backed fact, should count for something. We all see we only have one Earth. Developing the city should not come at the expense of our natural resources and its people.

>

> I love this city and care deeply about its wellbeing and future. As I read articles about the plight of people that live near data centers in Fayetteville, Georgia, and Corpus Christi, Texas: running out of water or being forced to conserve, not having the resources to do their laundry, having to spend north of \$25,000 for wells, and constantly filtering out sediment, I do not want that to happen here. The investors of this company are not Pocatellans or even Idahoans, and have no reason to care about the city's well being. I do, and I care very much. Thank you for your consideration--I strongly, strongly urge you to vote no.

>

> Sincerely,

> ~Elizabeth Bolinger

From: [Nakita Miles](#)
To: [City.Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Please don't allow a Data Center!
Date: Thursday, May 14, 2026 3:25:09 PM

PC 81

Some people who received this message don't often get email from ftzw213@gmail.com. [Learn why this is important](#)

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,

Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas. And the health of our residents and children!!

Thank you for your time. Warmly,

Proud Idaho Resident
Nakita

From: Amanda Kumiko Kent <akkent@live.com>
Sent: Thursday, May 14, 2026 5:29 PM
To: Planning
Subject: AI Datta Center Proposal

[Some people who received this message don't often get email from akkent@live.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To the Hearing Examiner and others concerned,

There has not been enough data, facts and numbers provided for the community and city planners to consider all factors affected and involved in building and maintaining a data center in Pocatello.

There needs to be an extension before any decision is made.

There needs to be a list of pros and cons for the community tax payers, the environment, and all those around the area that count on the power, water, and other resources available that will be impacted by our decisions.

Create an extension. Provide clear facts. Answer questions submitted.

Work with the community you are a part of.

Sincerely,

Amanda Kumiko Kent

Sent from my iPhone

From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: About That Proposed Data Center
Date: Thursday, May 14, 2026 3:28:07 PM

PC 83

From: Colton Taresh <colton.taresh0418@gmail.com>
Sent: Thursday, May 14, 2026 2:14 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: About That Proposed Data Center

Some people who received this message don't often get email from colton.taresh0418@gmail.com. [Learn why this is important](#)

I would like to talk about this proposed data center, using the old Hoku Plant as the location.

I'm completely against this data center being built, and there's a few reasons why.

First, the tax it places on our water supply, we were told it'd be a closed loop, so no water tax, yet the data center in Georgia, recently made the news that it lost 30 million gallons of water, and residents complained about a lack of water pressure.

The kicker?

It also was sold kn the promise that it was a closed loop system. Our Portneuf River and our aquifer cannot handle that, it would dry up available water, which we need to survive, and we're already facing drought concerns. Not to mention the numerous ecological concerns that that would have.

Second, there have been scientific studies linked to the harm that data centers lead to in living near one. Just regarding the noise, do companies have to follow the same noise ordinances as we citizens, or are they playing by different rules?

It's hard to live free and in peace with the noise pollution and general pollution of the data center, and this would disrupt our peaceful community.

Third, there have been scientific studies linking AI usage with more cognitive decline, in other words, it makes you dumber. As a musician, all this data center is enabling is the decline of the arts and humanities, a decline in verifiably accurate data, and has been linked to increased cases of psychosis.

Fourth, this one may be speculative, but nevertheless, data centers are a gamble from the super rich, when economists and other financial experts know that AI is losing billions of dollars, and despite these centers, they aren't seeing a return on that investment.

Do not sabotage the future of our youth on a gamble.

Sincerely,

Colton Taresh

From: [Amber Davis](#)
To: [Planning](#)
Subject: Public Comment for May 14 Hearing – CUP for 1800 River Park Way (AI Data Center)
Date: Thursday, May 14, 2026 3:31:30 PM

PC 84

Some people who received this message don't often get email from careconnectionofidaho@gmail.com. [Learn why this is important](#)

To: City Planning

From: Amber Davis

To the Hearing Examiner and Pocatello City Staff:

Please include this formal comment in the official record for the May 14 public hearing regarding the Conditional Use Permit (CUP) for the proposed Artificial Intelligence Data

As a local business owner and resident, I value economic development in Pocatello. However, a project of this \$2.26 billion scale—at the former Hoku site—presents unique challenges that require more than a standard industrial review. I request that the following points and "lessons learned" from other municipalities be addressed before any permit is issued:

1. Water Security and the "No-Harm" Test

Given the ongoing drought emergency affecting the Eastern Snake Plain Aquifer, the city must ensure this facility does not jeopardize our local water supply.

- While a "closed-loop" system is proposed, what are the peak daily draw requirements during extreme heat events or system malfunctions?
- Does this proposal meet the standards of **Idaho HB 895 (2026)** regarding the protection of water rights for existing residential and agricultural users?

2. Grid Stability and Utility Rate Protection

The power requirements for an AI-focused campus are significantly higher than traditional data centers.

- Pursuant to **Idaho HB 911 (2026)**, has a "no-harm test" been conducted to guarantee that this massive power draw will not lead to increased electricity rates or decreased grid reliability for Pocatello residents?
- What specific infrastructure upgrades will Idaho Power require, and is the developer—rather than the taxpayer—covering 100% of those costs?

3. Enforcement of Noise and Nuisance Mitigation

Recent lawsuits in **Chandler, AZ** and **Granbury, TX** have shown that traditional noise ordinances often fail to capture the low-frequency hum and vibrations unique to data center cooling fans.

- I request that any approved CUP include **legally binding decibel and tonality caps**

measured at the property line, with a clear, city-enforced penalty structure if those limits are exceeded.

- Will the city require a "Mitigation Plan" with specific, enforceable measures, as seen in the recent "**Project Skyway**" litigation in Minnesota?

4. Zoning and Land Use Compatibility

Because "Data Centers" are not explicitly defined in our current City Code, the city is treating this as "functionally similar" to a warehouse. I argue that a 24/7 high-intensity AI campus is fundamentally different from a storage facility in terms of resource consumption and environmental footprint. I urge the Examiner to consider if the "Conditional Use" truly aligns with the safety and comfort of the surrounding neighborhoods.

I ask that the city prioritize long-term community stability over the immediate appeal of a large-scale development. I look forward to seeing these questions addressed in the final staff report and recommendation.

Respectfully,

Amber Davis

Care Connection of Idaho, Director
705 S. 4th Ave.
Pocatello, ID 83201
Phone: 208-240-5535
Fax: 208-416-6655

***Have you seen our website? Visit us at
www.CareConnectionOfIdaho.org!***

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From: [Nichols, Anne](#)
To: [Flynn, Jennifer](#); [McCulla, Aceline](#); [McLane, Brent](#)
Subject: FW: Data center
Date: Thursday, May 14, 2026 3:31:38 PM

PC 85

From: Sunny Carson <carsonsunny74@gmail.com>
Sent: Thursday, May 14, 2026 3:30 PM
To: _City.Council <City.Council@pocatello.gov>; Sunny Carson <carsonsunny74@gmail.com>; Nichols, Anne <anichols@pocatello.gov>; Planning@pocatello.gpv
Subject: Data center

You don't often get email from carsonsunny74@gmail.com. [Learn why this is important](#)

I am very concerned about the vague proposal being submitted for the construction of a new data center. We currently do not have the infrastructure for this center, Idaho Power admits that. They do not specify how much energy they need. They state they need 100 megawatts of energy but they don't not state if this is monthly, quarterly, or yearly. That is the equivalent to the power demands for the whole city of Pocatello. They answered no questions submitted by the Pocatello Water Department in their proposal, we are currently in a statewide drought. I do not believe this will benefit pocatello economicly in the long run.

Thank You,
Sunny Carson

From: [Claire Pincock](#)
To: [Planning; Nichols, Anne](#)
Subject: File CUP26-003 Noise
Date: Thursday, May 14, 2026 10:08:29 AM

PC 86

Some people who received this message don't often get email from claire@mdacoustics.com. [Learn why this is important](#)

Dear Sir or Madam,

I am writing to express concerns about the proposed data center at 1800 River Park Way. I am an acoustical consultant based in Idaho Falls. I am one of two qualified and active acoustical consultants in Idaho and the only one in Eastern Idaho. It's clear from the application that the applicant has not seriously considered noise. My firm has worked on 3 dozen data centers over the last decade. There is a single-family residence as close as 400' from the project site, and heavy noise-producing equipment could be located as close as 600' from residential uses. A 500-ton water-cooled chiller, which would be located outside, has a rated sound pressure level of about 90 dBA. Assuming about 30 of these 500-ton units, to align with other similarly sized data centers we have worked on in the past month, we expect noise levels up to about 60 dBA at the nearest residential uses from the chillers alone. Unlike other industrial noise, chillers do run at night. This is above the normally acceptable levels for residential neighborhoods at night. The chillers produce a constant hum, and we have extensive experience mitigating noise from data centers that have irreparably harmed neighborhoods because they were approved with no consideration for noise. It is much more expensive and inefficient to mitigate noise after the project has been built than it is to plan for it properly in advance.

Other considerations not addressed in this application are the noise levels from the gas turbines. Gas turbines are incredibly loud. I recently completed a survey for the 17.5 MW power peaking plant in Idaho Falls, and each generator was 130 dBA. A single generator of that size would produce a sound pressure level of up to 73 dBA at the nearest homes, which is an unacceptable residential noise level, even during daytime hours. The application does not state if these turbines are inside or outside, or if they will include any type of shielding.

These impacts can be mitigated, but the applicant seems unaware that impacts are even possible and assumes that they are in line with or quieter than other industrial uses. As someone who has done dozens of industrial park noise impact studies and dozens of data center noise impact studies, this is incorrect. The application must include a thorough and accurate analysis of the noise to ensure there is no impact.

Claire Pincock, Member, INCE-USA
Sr. Acoustical Consultant, MD Acoustics, LLC
CA) 805.426.4477 | AZ) 602.774.1950 | UT) 801.349.1588
claire@mdacoustics.com | www.mdacoustics.com

From: [Daphne Jolley](#)
To: [Planning](#)
Subject: Data center opposition
Date: Thursday, May 14, 2026 3:46:01 PM

PC 87

Some people who received this message don't often get email from daphne@mhearingidaho.com. [Learn why this is important](#)

I write this in opposition to the AI Data Center. I already pay enough for utilities; I don't need to have my utility bill paid. We are supposedly in a drought yet you guys want to approve a center that will use a ton of water and power, adding to the current drought conditions and the power grid, both of which already struggle to keep up with current consumption.

My brother lives in Saint George, Utah, 5 hours away from Box Elder County, Utah. His property management company has already informed him that his utility bill will increase because of this data center being built. Therefore, this will affect not just the city of Pocatello as a whole but everything surrounding us, reaching as far as Boise and into Montana, Utah, and Wyoming. The effect of the center on farmers is detrimental, further reducing their access to water for their crops and livestock.

Here are 10 reasons the AI data center should not be approved

1. They raise\ energy demand and electricity bills, as mentioned above.
2. They are powered by fossil fuels, so they aren't utilizing green energy.
3. They endanger our water supplies, as mentioned above.
4. They create massive amounts of air pollution
5. They drain public funds
6. They threaten jobs in an already oversaturated job market.
7. they are a blight to the community.
8. They are imperiling the entire economy.
9. They create toxic waste.
10. They devour our sensitive data.

Help keep Pocatello a clean safe city that residents and wildlife alike can continue to enjoy. Use this money to help support businesses and the local economy instead of some Big Tech shell company.

Thanks

Daphne Jolley

From: [Cassie Alvarado](#)
To: [City Council](#); [Nichols, Anne](#); [Planning](#)
Subject: Opposing Pocatello Data Center
Date: Thursday, May 14, 2026 3:48:24 PM

PC 88

Some people who received this message don't often get email from cassiealvarado11@gmail.com. [Learn why this is important](#)

I would like to submit a statement for the hearing this evening in regards to the proposition of an extremely, grossly large data center to be built in Pocatello.

This data center will do nothing to benefit our community. It will poison the already absolutely disgusting water ways we have, it will take water from the crops and people in the community who actually need it, cause light pollution keeping us from seeing the night skies we love, and will destroy our Earth even more than these Data Centers have already done.

Agreeing to this is signing the death of Pocatello, pimping out our citizens and land to be raped by big wig, rich white men who don't care about us.

I oppose this proposition, and I hope the city council and mayor of Pocatello also oppose this.

Our government, including the local government, is meant to protect us and keep our country beautiful. Please don't kill it.

From: [Eliza Shannon](#)
To: [Planning](#)
Subject: Ai Data Center
Date: Thursday, May 14, 2026 3:56:11 PM

PC 89

[Some people who received this message don't often get email from lizalooshannon@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please do not allow this data center to be built, the harm it will inevitably cause far outweighs the possible benefits. The energy costs for residents will almost always go up wild amounts. Also, Pocatello has a lot of farms and wildlife, and if we have an ai data center that is diverging resources away from those places, then it will never end well. Pocatello is not a place for ai, it a place for people, and these data centers have never been good for the people. My parents know that I am sending this email and that I want it to be read at the meeting, their names are Kimber Shannon and Kristopher Shannon. I understand that this will be a public record and so do they, and this is so important to me, and I need my voice to be heard.
Sent from my iPhone

Against Data Center

James DiSanza
5220 Country Club Dr.
Pocatello, 83204

PC 90

A “closed-loop cooling system is a misnomer—it’s deceptive PR.

Data center developers suggest that the closed-loop system need only be filled once and that water remains for long periods of time to cool the GPU chips needed for AI to function.

This is simply not accurate. Closed loop systems rely on clean, treated water to prevent bacterial growth and mineral blockages (“The Urgent Case Against Data Centers, p. 6). Over time, minerals build up in the water as it circulates and bacteria grows. These materials can cause blockages that reduce the cooling efficiency of the closed loop system. Therefore, regular “blowdown processes” are required to reduce mineral and bacterial concentrations, removing water from the system, which much be replenished with fresh water. The continuous need to replace portions of the water supply “contradicts the strict definition of circularity” (Mandavia, 2026, para. 2).

It is not uncommon for a closed loop system to be flushed of 25% of its water volume per month (The Urgent Case Against Data Centers, p. 6).

Even worse, the water entering the so-called closed loop is treated with a “cocktail of chemicals” that are added to reduce corrosion (The Urgent Case Against Data Centers, p. 6), making the disposed water difficult to treat and it often cannot be returned to the watershed (“Data Centers and Water Fact Sheet,” 2026, p. 2).

Because the data center requires a constant influx of new water, it increases the cost of water to local businesses and households. For example, “In Newton Country, Georgia, water costs are expected to rise 33 percent from 2025 to 2027 (compared to the usual 2 percent annual increase)” (The Urgent Case Against Data Centers, p. 6), thanks to data centers.

Water is a precious commodity throughout Idaho and the West. The Portneuf Aquifer has been an enormous blessing to this community and its people. A data center will put the water we all depend on at risk.

References

“Data Centers and Water Fact Sheet,” (2026, January). Digital Economy and Environmental Program. Environmental Law Institute: <https://www.eli.org/sites/default/files/files-pdf/Data%20Centers%20and%20Water%20Fact%20Sheet%20ELI%20January%202026%20%281%29.pdf>

Mandavia, K. (2026, March 18). The circular Water Loop: Can Data Centers Truly Close the Gap? AI Compute Forecast: <https://www.computeforecast.com/blogs/closed-loop-water-systems-hyperscale-data-centers/>

“The Urgent Case Against Data Centers,” (2026, March). FoodandWaterWatch.Org: https://www.foodandwaterwatch.org/wp-content/uploads/2026/03/RPT2_2602_DataCenterMoratorium.pdf

Carrie Ricks

PC 91

Resident Chubbuck, Idaho

carriericks9@gmail.com

May 14, 2026

Pocatello Planning & Development Services

911 N. 7th Avenue

Pocatello, ID 83201

Subject: Formal Opposition to the Lex Developments AI Data Center Proposal

To the Pocatello Planning Commission and City Council,

I am writing to formally log my opposition to the conditional use permit and rezoning applications submitted by **Lex Developments** for the proposed AI data center at 1800 River Park Way. I currently live two miles from the proposed Data Center and am very concerned about the development of the AI Center. While I support economic growth, this specific development poses severe risks to our regional infrastructure, natural resources, and neighborhood quality of life, without delivering any real economic benefit to our workforce.

My primary objections to the **Lex Developments** project include:

- **Massive Thermal Output and Heat Pollution:** AI data centers are essentially giant industrial furnaces. The specialized chips required for artificial intelligence run incredibly hot, and all of that thermal energy has to go somewhere. To keep the machinery from melting, **Lex Developments** plans to use an array of 56 massive dry coolers that will continuously blast superheated air directly into our local atmosphere. This concentrated heat exhaust creates a localized "heat island" effect that will dry out the surrounding soil, wither nearby vegetation, and alter the immediate microclimate. Dumping millions of British Thermal Units (BTUs) of waste heat into our local environment 24/7 is reckless and dangerous.
- **Undue Haste and Lack of Public Transparency:** I am deeply troubled by the rapid timeline of these proceedings. Why is the city rushing to push this massive project through before local citizens have had an adequate opportunity to research its full scope and voice their opposition? A development that will permanently transform our community's infrastructure demands months of open town halls, comprehensive environmental impact studies, and transparent public debate. Ramming this through the approval process deprives the taxpayers of Pocatello of their right to democratic oversight and suggests an attempt to bypass public scrutiny before the community realizes the true costs.

- Compounding a Historic Water Crisis:** Idaho is currently enduring an [emergency drought declaration across all 44 counties](#) due to the [lowest winter snowpack ever recorded](#) in the state's history. The National Weather Service reports [high confidence that our water supply stress will intensify](#) with zero environmental relief through the rest of the year. Our farmers and irrigators are already being forced to share limited resources and face production cutbacks. Introducing a massive, water-intensive data infrastructure project during the worst drought we have ever seen is a catastrophic risk to the Eastern Snake Plain Aquifer.
- Precedent of Secret Water Exploitation (The Georgia 30-Million-Gallon Crisis):** Tech developers cannot be trusted to self-regulate or respect local water shortages. Investigative reports recently revealed that a massive QTS data center in Fayetteville, Georgia, secretly drained nearly 30 million gallons of water from the local grid over several months [without a single gallon being metered, tracked, or paid for](#). This unpermitted usage was only caught after [local suburban residents suffered severe drops in their household water pressure](#), which occurred [while the county was actively ordering residents to restrict lawn watering](#) due to severe drought conditions. Pocatello cannot risk bringing an unmonitored utility drain into our backyard when our community is already facing historic shortages.
- Deceptive Claims on Job Growth and Economic Benefit:** Project developers frequently use the promise of "job creation" to win over local cities, but the reality of modern AI data centers is entirely different. These facilities are highly automated and do not help our local job market. Once the initial out-of-state construction crews leave, a facility of this size requires only a skeleton crew of a few dozen security guards and low-level technicians. The high-paying engineering, network architecture, and administrative positions are entirely run remotely from other states and countries. Our community is being asked to sacrifice our local infrastructure for a corporate facility that operates like a ghost town, shipping all economic wealth and employment opportunities away from Pocatello.
- Precedent of Community Energy Displacements (The Lake Tahoe Crisis):** The strain on residential resources goes beyond water. In a parallel infrastructure disaster, NV Energy is cutting off 75% of the power supply to nearly 49,000 Lake Tahoe residents by May 2027. The utility is actively stripping electricity away from homes and ski resorts to feed high-density data centers in northern Nevada, [leaving residents facing soaring energy costs](#) and total power uncertainty. Allowing **Lex Developments** a footprint here exposes Pocatello residents to the exact same risks of utility displacement.

- **Widespread Acoustic and Quality-of-Life Risks to Residents Within 2 Miles:** The environmental footprint of a data center expands far beyond its property line. Data center industrial hums can often be heard and felt **up to two miles away**. The thousands of high-velocity dry coolers, exhaust systems, and backup generators produce a relentless, 24/7 low-frequency vibration. Local families living within this two-mile radius face documented risks of sleep disturbance, high blood pressure, and persistent anxiety from the constant acoustic pollution, which will inevitably degrade property values for hundreds of Pocatello homes.
- All data centers are causing a "low hum" for nearby communities, caused by massive, 24/7 cooling fans and power systems (generators, turbines). This noise is characterized as a persistent, low-frequency sound or vibration that can feel like a deep rumble. Residents have reported headaches, insomnia, nausea, and anxiety, forcing some officials to pause new project
- **Unsustainable Power Scale: Lex Developments** has provided conflicting data, citing a 100-megawatt requirement to city staff while advertising a 200-megawatt footprint in its economic presentations. The footprint of this scale is enough to double the entire energy consumption of Pocatello. Looking regionally, projects in neighboring states like Utah and Wyoming are already projected to consume more electricity than those entire states currently generate. Pocatello should not open its doors to an industry that systematically cannibalizes public utility grids.

I urge the Planning Department to halt this hurried approval process, protect our community resources, stand with everyday residents over out-of-state interests, and deny the applications put forward by **Lex Developments**. If this moves forward, I worry about my kids' future and what Pocatello looks like for them. Thank you for your time and your consideration of our community's future.

Sincerely,

Carrie Ricks

From: [Robert Gay](#)
To: [Nichols, Anne](#); [City.Council](#); [Planning](#)
Subject: Opposition to the proposed Portneuf Capital LLC Data Center
Date: Thursday, May 14, 2026 4:12:36 PM

PC 92

Some people who received this message don't often get email from paleorob@gmail.com. [Learn why this is important](#)

To all concerned parties;

I am writing today in advance of the scheduled Hearing Examiner Public Hearing in opposition to advancing the permit for the proposed data center.

Under Pocatello Municipal Code 17.02.130.D, the Hearing Examiner must find that the proposed use is compatible with adjacent developments/uses, public services are adequate to support the proposed use, and the proposed use will not be detrimental to public health, safety, and welfare.

The City's own staff review has noted that all information pertaining the proposed use's water and sewer impact are not present. Additionally, the information related to power infrastructure notes that this one facility will require 100-200 megawatts of installed power. This is not insignificant, and in fact is equal to what our city uses in a year. Clearly there is not electrical infrastructure in place to double the entire city's use into a single parcel. The proposed "post-approval deliverable" of Idaho Power's complete assessment is a fiction; similar "post-approval deliverables" have never been completed or have findings that would disallow the development in other municipalities. Lake Tahoe, California, is facing blackouts as these sort of promises are found to be hollow. *Portneuf Capital, LLC thinks that Pocatello residents and elected officials are ravingly stupid.* I can't imagine any other reason they would postpone such an important operational fact (power being on in a 24/7 facility) until after the facility is approved. By then, it is a fait accompli.

The proposed water use, in a closed-loop system, and while it *may* reduce water consumption it comes so at the cost of increasing the power load required. Additionally, the cooling system isn't codified in a contract or permit, so any proposed cooling system may change at the developer's whims.

Although Idaho Power's review is not yet complete, a letter from Idaho Power to the City's Development Authority Board states that they are unsure whether they have the capacity to generate the required electricity and provide other infrastructure support. It is madness to move this process forward without formal, binding assurances that any change to the electrical infrastructure will not fall on the taxpayer or average consumer in Pocatello.

Portneuf Capital LLC has stated that it intends to use gas turbine generators to fill any electricity shortfall. These are jet engines running on natural gas, driving electrical generators. Running jet engines 24/7 produces a tremendous amount of noise; there is a reason why most industrial facilities do not use their generators except in case of emergency. In addition to the noise, the heat they generate (as a jet engine) is tremendous. This has led to temperature increases of over 10 degrees in the neighborhoods surrounding data centers using turbines, across the country.

The City of Pocatello must, at a minimum, require the full analyses from Idaho Power and the City itself to be completed prior to the approval of the Hearing Examiner. It should also be

noted that the compliance documents that Portneuf Capital, LLC, is citing are out of date, and their proposal is not in line with the city's existing Comprehensive City Plan. Ideally this project will not move forward at all, as it is clearly not in the city's best interest. Portneuf Capital, LLC, thinks that Pocatello is filled with dumb, gullible rubes that will see "AI" and assume that people will slobber like dogs to get a piece of the pie. We know that Pocatello residents and our city government is smarter and stronger than that. Reject this proposal, or at least send it back in order to have reviews be completed and bring the proposal into compliance so that the city and citizens can make educated decisions based on the actual facts, not the lies that they are pushing.

Sincerely,

Rob Gay
10th Ave.
Pocatello

From: [Kimberly Carlino](#)
To: [Planning](#)
Subject: Proposed data center in Pocatello
Date: Thursday, May 14, 2026 4:26:08 PM

PC 93

Some people who received this message don't often get email from kcarlino6920@gmail.com. [Learn why this is important](#)

Hello. I am writing to oppose a data center coming to Pocatello. They are not good for the environment especially with the amount of water they use.

Thank you.

Kimberly M Carlino
1156 Freeman Lane Apt D
Pocatello, ID 83201

May 14, 2026

Planning & Development Services Department
City of Pocatello
Pocatello, Idaho 83201

PC 94

RE: Opposition to Conditional Use Permit Application CUP26-003 – Proposed AI Data Center at 1800 River Park Way

Hearing Examiner and Planning & Development Services Department,

I am writing in formal opposition to Conditional Use Permit Application CUP26-003 for the proposed AI data center development at 1800 River Park Way near the Portneuf River corridor.

My opposition is not based on opposition to technology or responsible economic growth. As a lifelong Pocatello resident, former wildland firefighter, and current spent nuclear fuel project manager involved in large-scale infrastructure and risk-based project planning, I understand the importance of balancing development with long-term public safety, environmental stewardship, infrastructure capacity, and responsible planning.

After reviewing the City staff report and supporting presentation materials, I do not believe this proposal is sufficiently engineered or evaluated to justify approval at this time.

The City's own staff report identifies several unresolved issues, including:

- Wastewater discharge quantities
- Whether pretreatment systems will be required
- Potential chemical discharge concerns
- Finalized water demand calculations
- Long-term electrical infrastructure requirements
- Environmental impacts related to emissions, water utilization, and wastewater discharge

Despite these unresolved issues, the proposal repeatedly describes the project as a “minimal impact” development.

The staff report further states that the proposed facility may require up to 100 megawatts of electricity — reportedly comparable to the power usage of the entire City of Pocatello. The report also notes that interim power generation may rely on gas turbines until sufficient electrical infrastructure exists.

These are not minor concerns. They represent major long-term infrastructure and environmental issues that should be fully analyzed before approval is granted.

Water usage is another significant concern. Although the applicant references “closed-loop cooling” and “near-zero potable water use,” the supporting materials do not provide finalized engineering or independently verified site-specific analysis demonstrating how these claims will be achieved over the long term.

According to the Lincoln Institute of Land Policy and the Environmental and Energy Study Institute, large hyperscale AI data centers can consume up to 5 million gallons of water per day under certain cooling configurations - comparable to the water usage of a city of tens of thousands of residents.

These organizations also note that communities are often not fully informed regarding the long-term scale of water and infrastructure impacts before approvals occur. This concern is especially important in Southeast Idaho.

Pocatello is a high desert community where snowpack variability, drought conditions, groundwater sustainability, and long-term water security already matter to residents, agriculture, recreation, and future generations. Every low snowpack year matters here, every drought year matters here, and The Portneuf River matters here.

Placing a massive AI industrial campus adjacent to the Portneuf River corridor without complete environmental review, finalized water modeling, independent utility analysis, and comprehensive infrastructure studies is not

responsible long-term planning. Other communities have already experienced serious consequences associated with large-scale data center expansion.

In The Dalles, Oregon, reports later revealed that Google data centers consumed hundreds of millions of gallons of water annually, reportedly approaching a substantial percentage of the city's total water usage during certain years.

In Loudoun County, Virginia - now one of the largest concentrations of data centers in the world — residents are actively fighting transmission line expansion, diesel generator pollution, infrastructure strain, and growing pressure on electrical systems.

These examples matter because communities were initially promised “minimal impacts” there as well.

The long-term economic benefits being presented should also be carefully scrutinized.

While construction activity may create temporary jobs, many modern hyperscale data centers operate with relatively small permanent staffing levels after construction is complete. In many cases, the long-term tradeoff becomes permanent industrialization, increased utility demand, transmission expansion, environmental risk, and regional infrastructure strain in exchange for relatively limited permanent employment.

The concern is not whether technology infrastructure should exist somewhere. The concern is whether this proposal, at this location, with this level of incomplete information, is ready for approval. Responsible growth requires transparency, accountability, independent review, and complete engineering analysis before approvals are granted - not afterward.

Once a project of this scale is approved, the public's ability to meaningfully influence infrastructure decisions, environmental protections, water usage, and long-term impacts become significantly reduced.

For these reasons, I respectfully request denial of CUP26-003 at this time, or at minimum a postponement until:

- Finalized engineering studies are completed
- Independent utility and environmental analyses are provided
- Long-term water usage modeling is disclosed
- Wastewater and chemical handling plans are finalized
- Electrical infrastructure impacts are fully evaluated
- Air quality and emissions impacts are studied
- Environmental and public health impacts are independently reviewed

The long-term consequences of projects of this scale extend far beyond a single industrial parcel. Decisions made today will affect the environmental stability, infrastructure capacity, utility reliability, water security, and quality of life of the Pocatello region for decades.

Thank you for your consideration.

Respectfully,

Walter Johnson
105 Valleyview Drive
Pocatello, Idaho 83204

Sources Referenced:

- City of Pocatello Staff Report – CUP26-003, May 14, 2026
- Lincoln Institute of Land Policy – “Land and Water Impacts of Data Centers”
- Environmental and Energy Study Institute – “Data Centers and Water Consumption”

From: Kate Selvage <kate.selvage@gmail.com>
Sent: Thursday, May 14, 2026 4:32 PM
To: Planning
Cc: Nichols, Anne; _City.Council
Subject: RE: Conditional Use Permit for AI Data Center

Some people who received this message don't often get email from kate.selvage@gmail.com. [Learn why this is important](#)

Good Afternoon City of Pocatello Planning Team,

I am writing to express my opposition to the conditional use permit for Lex Development's proposed AI Data Center. As a resident of Pocatello, hearing that the city is considering issuing a conditional use permit for the development of an AI data center causes me great concern. Our region has been struggling with worsening environmental conditions that a data center will exacerbate.

Pocatello just experienced the warmest winter since weather record keeping began in 1895. With the very sparse amount of snow seen, our water supply is already struggling and we are going to experience even more strain than normal. AI Data centers use around 5 million gallons of water a day in order to keep the center cool. While a closed loop system reduces the water usage and evaporation loss, the system still requires water to get online. In addition to the large water supply demand, these data centers have a large sewage discharge that our city wastewater treatment plant will not be able to handle. The city just spent 12 million dollars on updating the plant for the water pollution control facility, and if a data center is built, how many more millions will the city need to spend in order to increase the capacity needed to support the center.

AI Data centers also release an incredible amount of heat into the surrounding area. As a result of this, the ambient air temperature increases, creating a heat island effect. The air temperature can increase up to 9.1 degrees Celsius, which converts to about 16.4 degrees Fahrenheit. The Heat Island effect causes increased electricity demand as the use of AC and energy increases to help mitigate the temperature increase. The Heat Island effect also impacts human health in a negative way. As a predominantly blue collar community, we have many people that work incredibly hard during the hot summer months. With an increased ambient temperature, the risk of heat stroke increases for those workers, and has an impact on seniors and children. The difference between 100 degrees and 116 degrees is drastic and can have a major impact on overall health.

The application states that there is a limited environmental impact as a result of the development of this data center, however that is not true. The resources a center requires in addition to the output that results from the center outweigh the benefits of its development. Outside of the environmental impacts, there is also the There is the discussion of the economic growth that will result from the development of this center, but there is an aspect that is not being accounted for.

A majority of the economic growth is from the construction of the center. However, the project would only bring in those jobs for a limited period and is not a long term job growth opportunity. An AI data center only requires around 20 employees to keep it operational, which is not a substantial addition of growth to the job market. Even within the application for the permit, it is stated that "The data center will operate entirely within an enclosed building, with limited employee presence..." a good economic opportunity for the community is not one that has low employee presence and only needs around 20 people to be hired.

It is for these reasons that I implore you to decline the conditional use permit. An AI Data center will hinder our region and cause more environmental harm than help, and will not bring in a large enough economic benefit to the community. I appreciate you taking the time to review my concerns and I hope you will make the best choice for our city.

Sincerely,

Kate Selvage

Sean P. Hargraves
110. N. 18th Ave.
Pocatello, ID 83201

May 14th, 2026

Pocatello Planning and Development Services
911 N. 7th Ave.
Pocatello, ID 83201

To The Hearing Examiner,

I would like to enter into the public record my firm opposition to any approval of the conditional use permit application, put forth by Lex Developments regarding the use of the old Hoki site for construction of an AI data center. The installation of a data center in the city of Pocatello has the potential to have a significant negative impact on the well-being of this community, far beyond the depth and scope of most conventional development projects. Nation-wide, these data centers are provoking continual controversy relating to their association with excessive demands on local resources such as energy and water.

It was recently reported that 49,000 residents in the Lake Tahoe area will no longer be served by their current electricity provider, as the company redirects vital resources away from residential customers, toward industrial data centers. Bloomberg reports that by 2030, electricity costs could have increased an additional 8% on the current trajectory, far outpacing inflation. As a financial counselor working in our community for the last 8.5 years, I can personally attest to the struggle that many residents in our city are encountering due to the ceaseless increases in cost-of-living here and across the nation. We simply cannot afford to add development to this community that is only going to put further financial strain on its residents, especially where it involves access to critical resources needed for our very survival.

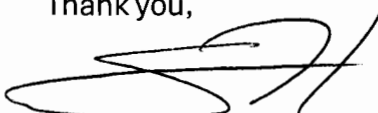
Furthermore, data centers are notorious for their excessive demand on water resources needed for cooling purposes. Nationwide, these facilities utilize millions of gallons of water per day, with a single data center using as much as 16,000 average households within 24 hours, according to Consumer Reports. Our city is located in the desert where water scarcity is a perennial fact of life and drought conditions continually have the surrounding region teetering on the edge of crisis. The idea to construct an enormously water consumptive facility such as a data center in a drought prone region such as this is asinine to say the least.

It is my firm belief that this project is not compatible with the broader vision and policy objectives of set forth in the "Pocatello Comprehensive Plan 2040". In that plan, it the City

has a stated objective to be “environmentally resilient”. On page 39, Goal 1, Strategy C. states that the city shall “implement and promote water conservation programs to reduce water consumption within the city”. It is imperative that our city maintain a commitment to this objective, given the water scarcity of our region, and avoid development that will result in excessive consumption of both potable and non-potable water resources.

Furthermore, this same plan outlines a policy objective to promote affordable neighborhoods in our community. On page 57, Goal 4, Strategy A states that the city shall “stabilize residents at risk of displacement and help them stay in their existing neighborhoods”. A data center that requires the same amount of electricity use that is needed by our entire city and stands to substantially increase energy costs is hardly compatible with the objective. While utilities may not be mentioned in this section, the city must be ever-mindful the current cost-of-living crisis, and do what it can to mitigate the enormous cost-burden our residents are experiencing. Any short-term job growth from construction of this facility is largely overshadowed by the fact that it won’t generate many long-term jobs and will only serve to increase Pocatello residents’ cost of living, and have a deleterious impact on vital, scarce resources. Please think responsibly about our future and the welfare of our citizens.

Thank you,



05/14/2026

Sean Hargraves

From: Brenden Jensen <brendenjensen4@gmail.com>
Sent: Thursday, May 14, 2026 4:38 PM
To: _City.Council; Nichols, Anne; Planning
Subject: AI Data Center Opposition

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Good Evening,

I would like to talk about these statements in my Opposition to the AI Data Centers conditional use permit.

Under the 6th listed criteria (code 17.02.130.D6): "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff Wrote: "Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge."

To begin, let us look to data centers that have already been built

In the Lake Tahoe area residents are about to lose power to their homes because the utility provider has to redirect all power to the data center. These community members have been told to find another option for power, but much like many of us in the Pocatello and surrounding areas how is that supposed to be possible when many of us live off city utilities

Fayetteville Georgia's Data center has used 30 Million gallons of water and people are under a severe drought.

We are already looking at drought like conditions due to the warm winter and light snow pack.

Next,
Idaho in 2024 \$164 million was spent by visitors staying at campgrounds (Idaho Commerce). If this data center moves forward we will lose the water needed to support the natural landscape people love so much, therefore losing that travel revenue.

There is a great deal to consider when looking at data centers. Please do not let this conditional use permit pass. I'm so worried about what it will do to Pocatello as well as the surrounding areas.

Thank you for your time.
Warmly,

Proud Idaho Resident
Brenden Jensen

To Whom it may Concern:

I am a life long Pocatello resident and I believe this CUP Application for the Data Center in the old Hoku plant should be denied as several experts across the country have expressed concern for the negative environmental and health effects consistent in areas within close range of AI Data Centers.

In this response I will be specifically addressing the applicant's (Schultz) response to sections 17.02.130.D4 and 17.02.130.D7 of the CUP26-003 as I feel left much to be desired, ignoring the question of public health and resources in favor of speaking to economical "benefits" and a very generic denial with very little evidence or detail. With an ongoing drought crisis and AI Data centers being built up in surrounding states an approval of this application would show blatant disregard for citizens health, welfare, and resources/public facilities and the city's desire to secure profits over people; therefore not falling into compliance with city code.

I've attached an article from writers at Harvard TH Chan School of Public Health in which expert Michael Cork PHD is interviewed and discusses the impacts of data centers on counties' health and resources, including air pollution that impacts citizens, especially the most vulnerable such as children, the elderly, and immunocompromised people.

He also speaks of his analysis of Vantage Data Center in Virginia where it was estimated that "\$53 million and \$99 million in annual health damages from associated air pollution"

This article can be found here:

<https://hsph.harvard.edu/news/analyzing-air-pollution-health-economic-risks-from-ai-data-centers/>

I've also included a document produced by the Missouri Coalition for the Environment; <https://www.ewgateway.org/wp-content/uploads/2026/02/MCE-Data-Center-Fact-Sheet.pdf> in which they site many sources that state the negative impact of AI Data Centers on citizens and communities including how constant noise exposure from these centers "affects sleep, increases stress, and damages cardiovascular health" as well as light pollution being linked to Those same negative health effects with the addition of increased breast cancer rates.

Also according to the document and its attached sources these centers also cause temperatures to rise around them. Are we not currently in a water crisis after the warmest winter on record? Wouldn't introducing said data center in our city therefore make this crisis a potentially ongoing one; creating water shortages for years to come as snow pack in the winter decreases in the surrounding area due to the heat being produced from the data center?

The City's Staff Review outright acknowledges the 100 Megawatts the facility will require would essentially double the power utilized in Pocatello annually, and we've already seen in the past

that Idaho Power is willing to pass the cost of larger power consuming projects onto the citizens/consumers.

According to this article from Business Insider:

<https://www.businessinsider.com/nerc-issues-alert-on-data-centers-threatening-grid-stability-2026-5>

NERC (North American Electric Reliability Corporation) has expressed a high level of concern for grid stability of the entire country among the rise of AI Data Centers and has observed outage in areas around the centers due to public facilities and power grids being unable to support them; meaning citizens could face regular power outages along the other health risks a data center would pose if our power grid cannot sustain something like this.

The City's Reviewers seem to be unsure that our public facilities could support something of this magnitude and G. Schultz provided essentially no information or evidence on how this would not overburden the city's public facilities and therefore its' citizens in the form of higher electric bills and power outages.

The applicant's lack of effort and evidence to prove that our communities health and safety will not be affected is also incredibly alarming especially with the several sources that state otherwise.

In conclusion I would like to clearly state that I and a great number of people in our area believe strongly that this application should be denied as it does not adequately meet the criteria outlined in the CUP application and more specifically sections 17.02.130.D4 and 17.02.130.D7 and would put a strain on our community, its' health, its' safety, and its' resources/public facilities and this is more than just an opinion or feeling as the evidence and sources in this response shows.

People over Profits.

**Submitted by:
S Van Horn 5.14.26**

From: Lincoln Pettinger <lincoln.pettinger@gmail.com>
Sent: Thursday, May 14, 2026 4:51 PM
To: Planning
Subject: Data center proposal

Some people who received this message don't often get email from lincoln.pettinger@gmail.com. [Learn why this is important](#)

Dear Pocatello Planning Dept,

I'm writing as a Pocatello resident regarding the proposed data center at the Hoku plant site. I am concerned about the project's potential impacts on the local environment (including heat and air/noise quality), on local utilities and utility prices for the average consumer, on water and wastewater management, and potential minimal return on investment for the city and its residents given the aforementioned impacts.

The proposal does not address or vaguely addresses many of these issues, indicating a lack of serious concern on the part of Portneuf Capital and Lex Developments for the well being of our city and its citizens.

While I realize that the city is desperate for new business and development, other communities' negative experiences with data centers should give us serious pause when considering this proposal.

Thank you attention and hopefully your support of the Pocatello community.

Sincerely,

Lincoln Pettinger
433 Buchanan Ave
Pocatello, ID 83204

From: Nichols, Anne
Sent: Thursday, May 14, 2026 4:56 PM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: AI Facility

From: fwsmt@aol.com <fwsmt@aol.com>
Sent: Thursday, May 14, 2026 4:55 PM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: AI Facility

You don't often get email from fwsmt@aol.com. [Learn why this is important](#)

Dear Mayor Dahlquist,

The AI facility being proposed for Pocatello is a very bad idea. The costs to the area (water, energy and heat produced) will be exorbitant. Bad idea!

Ann Munoz
1508 Satterfield Drive
Pocatello

To the Hearing Examiner Board for Pocatello, ID
And Any Other City Officials Whom It May Concern,

I am writing to you today about my concerns about the Conditional-Use Permit (CUP26-003) for the potential of an AI Data Center at 1800 River Park Way in Pocatello, Idaho.

As a resident of Pocatello, ID (I live at 1886 Jean Street), I am concerned about the negative impacts an AI Data Center could have on our environment. My first concern is the amount of electricity that will be needed to power this center. In the report, we see two different wattage amounts given. The 100 megawatts to be operational and later a 200 megawatt number is given. This is an exorbitant amount of electricity and puts a huge strain on the grid system. Idaho Power says it will take several years to be able to supply that amount of power to the site, and I believe one can safely assume that rises in electricity costs and system improvements for Idaho Power will be passed on to us consumers. In some cases (like in northern Nevada), power companies have decided to divert the electricity to data centers instead of actual people. We need to make sure this won't happen here and confirm that rate hikes won't be passed on to local customers. Even if Pocatello and Bannock County benefit financially via property tax, what about the other Idaho Power customers who do NOT see those benefits, but will also be dealing with the increased costs as we inevitably end up footing the bill? Idaho Power's impact analysis isn't even completed yet, how can we make any decisions now? The applicant's response says that the "proposed data center can be adequately served by existing public facilities and services..." but that does not seem to be the case given that Idaho Power will need to be able to immediately provide the 100 megawatts of power, which is what the entire city of Pocatello uses in one year. The gas turbines that will be used in the meantime have been seen to create environmental impacts (noise, pollution, increase greenhouse gasses, etc) based on usage like we've seen from the gas turbine usage by xAI data centers in other states. What will this do to our air quality when we are stuck under winter inversions?

Another concern is for potential environmental impacts to the Portneuf River. What will be done to ensure no runoff or pollution enter the river given its location DIRECTLY next to it? Unfortunately, we have seen examples of these data centers taking water they said they wouldn't or releasing water they claimed would be treated but isn't. Even releasing water that is warmer than the local ecosystem can negatively impact water sources. In addition to water concerns, I also wonder what environmental studies have been completed in our area to confirm that the lights that are on 24/7 at the centers would not impact local wildlife or migrating birds. The unavoidable light pollution is also a large concern.

Another concern is the amount of water that will be needed for this center. While a closed-loop system sounds good on paper, I wonder how much water is needed to fill it after construction. The report claims it is an 80-95% reduction from traditional evaporative cooling, but I assume that doesn't mean it will never draw from the water supply after being filled after construction.

Yes, there may be some short-term economic booms as construction is ongoing and an unknown amount of money comes in for property taxes, but at what cost? I am reminded of the quote: "Only when the last tree has been cut down, the last fish been caught, and the last stream poisoned, will we realize we cannot eat money."

While I personally think it would be best to deny the application, I am not the one making that decision. I ask the Hearing Examiner and those involved to investigate the whole situation and have all of the facts and numbers clearly before them before making a decision on this conditional-use permit. Thank you.

-Audra Moore, Pocatello Resident, 1886 Jean Street

ATTN: City of Pocatello Hearing Examiner
May 14, 2026

PC 102

RE: Opposition to Conditional Use Permit for Proposed Data Center on River Park Way

Please deny the Conditional Use Permit (CUP) application for the proposed data center on River Park Way. This application fails to satisfy the approval standards required under Pocatello City Code 17.02.130.D, sections 1 through 7, and approval would place unacceptable burdens and risks on the residents, infrastructure, environment, and future development of our community.

1. Inconsistency with the Intent of the Industrial Zone

The proposed data center is not consistent with the intent or purpose of the Industrial zoning district, nor is it sufficiently similar to other permitted or conditional uses allowed within the zone. Unlike traditional industrial uses, this project introduces extraordinary operational impacts — including continuous high-volume noise, vibration, hazardous waste handling, and unprecedented utility demand — for which the City lacks clear standards, measurement methods, or mitigation frameworks within existing code.

This is not a routine industrial project. It is a fundamentally different type of land use with impacts far beyond what residents and surrounding property owners could reasonably anticipate in this area.

2. Conflict with the Comprehensive Plan

The proposal conflicts directly with the goals and policies of Pocatello's Comprehensive Plan. The City's plan prioritizes compatible land uses, protection of sensitive areas, responsible infrastructure planning, and sustainable long-term development. This project undermines each of those objectives.

Rather than supporting balanced growth, the proposed data center would strain public resources, industrialize the surrounding area at an unprecedented scale, and set a dangerous precedent for incompatible development. Approval would disregard the vision carefully established by the residents and leaders of this community.

3. Incompatibility with Surrounding Land Uses

The proposed use is not compatible with existing or anticipated land uses in the area and would negatively impact adjacent properties and the overall character of the community. The scale, operational intensity, visual impact, utility demand, and industrial footprint of this facility are incompatible with surrounding development patterns.

Approval would permanently alter the character of the area and diminish the quality of life for nearby residents and property owners.

4. Inability of Existing Public Facilities and Services to Adequately Support the Project

This project cannot be adequately served by existing public facilities and services without placing substantial burdens on infrastructure systems and taxpayers. Pocatello's infrastructure and emergency service capacities are already under significant strain, and this proposal would intensify those pressures dramatically.

According to the staff report, the proposed facility could require up to 100 megawatts of power annually — a demand reportedly comparable to the entire City of Pocatello's annual electrical usage. Idaho Power further acknowledged that its Generation Study "could not conclusively determine whether Idaho Power could meet the proposed load ramp."

The people of Pocatello should not be asked to risk power reliability, increased infrastructure costs, or future utility instability for a project that provides minimal local benefit while imposing extraordinary public burdens.

5. Greater Adverse Environmental Impact than Permitted Uses

The proposed data center would create environmental impacts substantially greater than those associated with permitted uses in the zone. Excessive water consumption, wastewater generation, emissions, energy demand, and hazardous waste concerns all weigh heavily against approval.

Even the staff report identifies unresolved concerns regarding water utilization, wastewater discharge, and emissions. These issues are not minor details to be addressed later — they are central impacts that demonstrate why this use is inappropriate for this location.

6. Detriment to Public Health, Safety, and Welfare

The proposed use would be detrimental to public health, safety, and welfare due to its size, operational intensity, infrastructure demands, and environmental risks. The facility's unprecedented power demand and industrial cooling systems present serious concerns regarding reliability, environmental impact, and emergency response capability.

The City should not approve a project of this magnitude without clear evidence that it can operate safely, sustainably, and without imposing unacceptable risks on the surrounding community.

7. Failure to Provide Sufficient Information and Meet Required Conditions

The applicant has failed to provide sufficient information necessary for meaningful review and informed public consideration. Critical studies and mitigation plans — including utility impact analyses, environmental assessments, infrastructure mitigation measures, and long-term operational impacts — remain incomplete or inconclusive.

The burden of proof rests with the applicant, not the citizens of Pocatello. The City should not be expected to override legitimate community concerns or speculate about unresolved impacts in order to accommodate a proposal of this scale.

Ultimately, a decision with consequences this significant should not move forward through an incomplete and uncertain CUP process. A project capable of permanently reshaping the future of Pocatello deserves the highest level of scrutiny, technical review, and public accountability.

Because this application fails to meet the standards required under Section 17.02.130.D of Pocatello City Code, the Conditional Use Permit should be denied.

Thank you for your time, consideration, and service to the people of Pocatello.

Sincerely,

Tanya Cleaves
821 Jessie Ave
Pocatello ID, 83201

From: Ryugexu <ryugexu@gmail.com>
Sent: Thursday, May 14, 2026 5:10 PM
To: Planning
Subject: Opinion Re: AI Data Center

Some people who received this message don't often get email from ryugexu@gmail.com. [Learn why this is important](#)
Strongly oppose with conditions to accept.

1. They must have a contract with the city requiring them to ensure 95% of any employment opportunities go to locals from the Pocatello, Chubbuck etc area instead of bringing workers from somewhere else. If we lack the expertise for a given position then they must work with the university to sponsor the work field's inclusion in ISU's available options and then sponsor and hire an ISU graduate.
2. They must ship in their own water from somewhere outside of Idaho. - NO AQUAFER/CITY WATER ACCESS! This is for our safety since we are in a severe drought.
3. They must generate their own electricity - NO GRID Access! We do not produce enough electricity to meet their needs or they must pay to double the size of our city's current electrical generation systems and sponsor jobs for the city to do this without passing the costs to citizens and locals.
4. Their property's electronics, devices, alarms, etc, must not ever make noise louder than 35 dB heard from anywhere outside the boundaries of their property during daylight hours, no more than 15 dB at night, or they must invest in sound dampening technology of their choice to achieve this strict limit.

Keep in mind that in other cities where the officials have allowed data centers to be built, they are struggling with power grid and water issues and all the board members who voted to allow the data center have been voted out or forced out via public demand.

From: Corinne Brunger <coribrunger@gmail.com>
Sent: Thursday, May 14, 2026 5:13 PM
To: Planning
Subject: AI Data Center CUP Testimony

Some people who received this message don't often get email from coribrunger@gmail.com. [Learn why this is important](#)

To whom it may concern,

I would like to voice some concerns I have regarding the Conditional Use Permit for a potential data center outlined in file CUP26-003. My issues center around significant increase of energy needs for the city, effects to the microclimate, and the lack of specific information provided by the applicant regarding the construction, operations and resource consumption of the facility. On page 2 of the applicant's presentation and page 4 of the staff report, it is projected that the energy use of the facility will be up to 100 megawatts. According to Idaho Power, this is comparable to the entire power utilization of the city. To supplement this increase, the applicant intends to use gas powered turbines to produce adequate power. It is not specified anywhere within the application if these power usage projections will be maintained throughout Idaho's hot summers. The main use of this energy is for cooling of computer components. According to the National Oceanic and Atmospheric Administration, on average Idaho has set record high temperatures year-over-year, with May 2026 hitting a record high of 90F. With predicted increasing temperatures, power usage of the facility will only increase over time, placing more stress on an already insufficient infrastructure. Furthermore, the applicant failed to respond to the staff's inquiry of the quantities of water and sewage disposal needed for the site. The applicant's presentation states that the closed-loop liquid cooling system has "near-zero ongoing potable water use." However, how much water will be needed to fill the cooling systems initially? Will this have any impact on the ongoing drought emergency declared by the Idaho Governor, Brad Little? Throughout file CUP26-003, the staff response repeats that future designs must meet standards and conditions set by governmental agencies such as Water and Sewer. However, as a citizen of the Pocatello community, I feel that our governing body cannot make a truly informed decision until specific parameters of consumption and pollution are established. The community cannot be expected to consent moving forward with this development until they receive this data. For these unknowns listed above, and many more unknowns that my fellow constituents shall address in this hearing, I withdraw my consent and voice my opposition of the Conditional Use Permit.

Thank you,

Corinne Deakin
(208)-220-0046
coribrunger@gmail.com

From: Anna Lee <trolleycaranna@gmail.com>
Sent: Thursday, May 14, 2026 5:19 PM
To: _City.Council; Nichols, Anne; Planning
Subject: Vehement opposition to Pocatello Data Center

Hello,

My name is Anna Zamora. I have lived in Chubbuck and the Pocatello area for nearly three years now.

It is somehow simultaneously one of the smallest and yet most expensive places I've ever lived in my life and I have lived many places to compare.

At this point in time, the cat is out of the bag. The facts are clear and well known: data centers are the scourge of this country and are killing the land and the people first slowly and now quickly by sucking every precious resource at a pace so unsustainable, im not sure whats propping them up now.

They take our water, our electricity, and they will take the stars in the sky from us as they never turn off at night.

Our property values will plummet and this place that is already so expensive will become a hellscape of unaffordability. And more, it will chase away the very thing that makes Pocatello worthwhile and that is the people that live here and try their best to make it wonderful for everyone. Families will leave if they can and the data center will trap everyone else who is unable to sell a home so close to it.

These things are like cancerous tumors and to put one in our town is to doom us to die by it.

Put Pocatello first. Put these people first. This data center should not be here!! Not now and not ever!!!

Thank you and very sincerely,

Anna Zamora

Dear Hearing Examiner, Mayor Dahlquist, City Council members, and City staff,

PC 106

My name is Andrew Casey, and I am submitting this comment for the public record regarding CUP26-003, the proposed AI data center at 1800 River Park Way.

I am a Pocatello resident and an ISU graduate student in Public Administration, with academic interests in environmental injustice and systemic poverty. While I'm sure you'll be receiving tons of opinions, I just wanted to be honest up front that I am not opposed to redevelopment, technology, or economic growth. I understand why the old Hoku/River Park site is super attractive for a project like this, and I would love to see that property become useful again after sitting underused for so long. As long as it benefits our city and our community.

As you will no doubt hear, I am concerned that this proposal is asking the City and residents to accept too much uncertainty too early. The basic problem, from my limited perspective, is that the possible benefits are still incredibly vague. Yet the possible risks feel very real to residents. We hear that the project could bring jobs, investment, and tax revenue. Those things are fantastic and absolutely matter. Yet we don't yet know how much tax revenue would actually come to the City, School District, County, roads, emergency services, or other public needs. We also don't know whether future tax incentives or abatements could reduce those benefits later.

At the same time, residents are being asked to consider a project that could require an insane amount of electricity. There was mention of up to 100 megawatts of power, while other applicant materials seem to discuss a possible 200 MW buildout. That is a massive difference, and residents deserve much more clarity before any approval is considered.

As you well know, most people in Pocatello are already worried about rising utility bills as we're already struggling with the rising cost of living nationwide. For some households, even a modest increase is not just inconvenient; it can have a cascading effect that affects groceries, rent, medication, transportation, and basic stability. So when people hear that a project could use power on a scale comparable to the city itself, it is understandable that they are anxious. Even if the developer and Idaho Power intend to protect existing customers from cost increases, those protections need to be ironclad in writing, finalized, enforceable, and transparent for public review in some form or another before this project is allowed to get off the ground.

Much like many others, I am also concerned about the water, wastewater, and gas turbine questions. The applicant has mentioned that closed-loop cooling would greatly reduce ongoing water use. Frankly, I hope that is true. Yet the City's own review shows that basic questions still need some serious answers such as: How much wastewater will be discharged? Will pretreatment be needed? Will any chemicals enter the wastewater system? If gas turbines are used temporarily, what does "temporary" actually mean and according to what metrics? Could it be until grid power becomes available? What emissions, noise, and safety standards would apply? These are all central to whether this project is truly compatible with the public interest that's already deeply skeptical with the thousands of Data Centers popping up.

Many thanks to Mr. McLane's Community and Regional Planning class and Dr. Mcbeth being the MPA director for this insight: From a public administration standpoint, I think this is ultimately about trust. Residents aren't wrong to be skeptical when the final operator is not clearly identified, the final power demand is unclear, the tax benefit is not quantified, and key utility and environmental questions remain unanswered. Public trust is built when the government requires clear evidence before granting major entitlements. Without it, then this will potentially set the city leadership up for failure.

For that reason, I respectfully ask that the City not approve this CUP as submitted. I believe the better path would be to either deny it without prejudice or continue the decision until the applicant provides much more complete information.

If the City does consider approval with conditions, I ask that those conditions be strong, specific, and enforceable. At a bare minimum, I would urge the City to require:

1. A clear megawatt cap is vital. Most likely with a new public hearing required for any expansion beyond that cap.
2. Identification of the final operator before building permits are issued.
3. A completed Idaho Power impact analysis and finalized energy service agreement or special contract, with a public summary explaining how existing ratepayers will be protected.
4. A requirement that the project, not current residents or ratepayers, pays for all interconnection, transmission, substation, generation, and related infrastructure costs.
5. A full water, wastewater, chemical discharge, pretreatment, and spill-response plan before building permits are issued.
6. Binding closed-loop cooling requirements if low water use is part of the basis for approval.
7. Full disclosure and permitting for any gas turbines, including emissions, noise, operating hours, fuel source, and a firm end date for their use.
8. No tax exemption, abatement, or incentive without a separate **public** hearing and a clear fiscal analysis.
9. Annual public reporting on power use, water use, wastewater discharge, emissions, jobs created, taxes paid, and any violations.
10. A community benefit agreement or similar mechanism that supports local hiring, apprenticeships, workforce training, local contracting, emergency response capacity, and residents most vulnerable to utility burden.
11. Conditions that apply to future owners, tenants, and operators, not just the current applicant.

I don't believe that Pocatello reject the opportunity out of fear. Yet it also should not accept vague promises in exchange for long-term public risk. Economic development should benefit the people who already live here, especially the residents least able to absorb higher costs or environmental burdens.

I respectfully ask the City to require more concrete evidence before entitlement, protections before approval, and clear public benefit before moving this project forward. We don't want this beautiful city to be yet another statistic for broken promises from a big company.

Thank you for your time and for including this comment in the public record.

With great respect and admiration for the office,
- Andrew Casey

From: Camille Klingler <cklingler92@gmail.com>
Sent: Thursday, May 14, 2026 5:30 PM
To: Planning
Subject: AI Data Center Public Hearing Comments

[Some people who received this message don't often get email from cklingler92@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

My name is Camille Klingler and I was born and raised in Idaho Falls Idaho. This data center poses major threats to our environment, our agriculture and the well-being of our residents. It's time to put people over profits. I oppose the building of this data center.

Sent from my iPhone

From: conner coutts <conner.coutts@gmail.com>
Sent: Thursday, May 14, 2026 5:35 PM
To: _City.Council; Nichols, Anne; Planning
Subject: URGENT- no live video of AI data center hearing

Some people who received this message don't often get email from conner.coutts@gmail.com. [Learn why this is important](#)

Hello,

To whom it may concern, I have been unable to find any video or live stream of the AI data center hearing on the YouTube channel. In a Facebook post from the city, it was said that there would be a live feed video.

Thank you,

From: Sadie Erickson <sadie.04.e@icloud.com>
Sent: Thursday, May 14, 2026 5:44 PM
To: Planning
Subject: Opposing Data Center Development in Pocatello

[Some people who received this message don't often get email from sadie.04.e@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To the Pocatello Planning & Zoning Commission,

My name is Sadie Erickson, and I'm a resident of Soda Springs, Idaho. I'm writing to strongly urge you to vote NO on any proposed data center developments in Pocatello or the surrounding area.

My concerns:

Water Usage: Data centers consume massive amounts of water for cooling systems - often millions of gallons per day. Idaho is already facing drought conditions and increasing pressure on the Snake River Basin. We cannot afford to divert that water away from agriculture, residents, and wildlife for tech infrastructure that doesn't benefit our local community.

Environmental Impact: Beyond water, data centers have a huge energy footprint and contribute to heat islands. The construction would disrupt local ecosystems, and the long-term noise/light pollution impacts quality of life for residents.

Lack of Local Benefit: Data centers create very few permanent jobs relative to their size and resource use. They take, but don't give back to the community in any meaningful way compared to what they cost us environmentally.

Idaho's water and land are not for sale to out-of-state tech companies. We're already seeing the strain of growth on our infrastructure, farms, and natural resources. Approving water-intensive industry like this sets a dangerous precedent.

I ask that the Commission prioritize sustainable development that actually serves Pocatello residents - not projects that exploit our resources and leave us with the consequences.

Please enter my comment into the public record for any upcoming hearings on this matter.

Thank you for your time and for protecting our community's future.

Sincerely,
Sadie Erickson

Sent from my iPhone

From: Shepherd, Cecily <cecilyshepherd@isu.edu>
Sent: Thursday, May 14, 2026 6:10 PM
To: Planning
Subject: AI center

Some people who received this message don't often get email from cecilyshepherd@isu.edu. [Learn why this is important](#)

Hello!

I am currently in the crowd at the city council meeting and out of respect for all the humans here, I am going to submit my testimony here.

Purchased property before getting approval is not only disrespectful but also shady.

Have the Shoshone-Bannock Tribes been consulted, especially with the impacts on water use.

They say that jobs will be kept here, however many of those jobs can be done remotely and unfortunately the ISU graduates are not strong competitors in the tech job market.

And the big issue is the power usage. Even if new power sources are created that will take time and in the meantime power costs will be increased. Local folks are already strained in the raising costs of living without a comensurate increase in incomes and any additional increase in costs will be problematic.

The presenter did not provide enough information to warrant an approval given the potential problems.

Thanks you for your time!

Cecily Shepherd
She/Her/They/Them
Graduate Student - Anthropology

From: Joyce Bybee <joycerose.bybee@gmail.com>
Sent: Thursday, May 14, 2026 6:42 PM
To: _City.Council; Nichols, Anne; Planning
Subject: Deny the data center proposal

Some people who received this message don't often get email from joycerose.bybee@gmail.com. [Learn why this is important](#)

Under Pocatello Municipal Code 17.02.130.D, the Hearing Examiner must find, among other things, that the proposed use is compatible in intensity with adjacent permitted uses, that public services are adequate to serve it, and that the use will not be detrimental to public health, safety, and welfare. The application fails each of these tests.

1. The proposed intensity is not compatible with Pocatello's infrastructure. The applicant's own presentation describes a 200 MW full buildout across seven buildings — roughly twice the electricity that the entire City of Pocatello consumes in a year. Idaho Power has confirmed power at that scale is not available, and the applicant proposes to bridge the gap with on-site gas turbines. A single facility that doubles a city's electrical load is not, by any reasonable reading, compatible in intensity with adjacent permitted uses. This is a regional industrial undertaking dressed as a conditional use on a local parcel.
2. Public services are inadequate to serve the use. The CUP review criteria require a finding that public services exist or can be made available. The applicant's application is explicit that grid power at the necessary scale does not currently exist and that Idaho Power's impact analysis is incomplete — it is listed as a post-approval deliverable. Approving a permit before the utility has completed its impact analysis reverses the proper sequence. The City should require the Idaho Power study, the water and wastewater capacity studies, and the air quality analysis before the permit is acted on, not as conditions attached after approval.
3. The interim gas generation creates a foreseeable health and safety problem. Pocatello sits in a valley subject to severe wintertime temperature inversions. The Portneuf Valley airshed already experiences PM2.5 and ozone exceedances. Adding gas turbines sized to support a 100–200 MW computing load — even on an interim basis — introduces a continuous combustion source upwind of residential neighborhoods and schools during the precise weeks of the year when the valley cannot disperse emissions. No condition can responsibly mitigate that siting mismatch.
4. Ratepayer cost-shifting is virtually certain absent enforceable protections that are not in the application. In every comparable U.S. market with hyperscale data center growth — Northern Virginia, central Ohio, parts of Texas — utility capital investment to serve data center load has been recovered from general ratepayers. Twenty-seven states are currently considering legislation specifically to stop this. Idaho has no such protection in statute. The applicant has not committed to a large-load tariff or cost-causation agreement with Idaho Power. The City should not gamble Pocatello's residential and small-business electric bills on the hope that one will be negotiated later.
5. The water representation is a marketing assertion, not a permit term. The applicant's reference to closed-loop cooling is taken from Oracle and Microsoft press materials, not from binding engineering specifications in this application. Industry practice has consistently been to retain the option to convert to evaporative cooling as compute density and ambient conditions change. Until a specific cooling design is submitted, reviewed by qualified engineers, and made a binding permit term, this representation has no enforceable weight.
6. The site's history counsels caution, not haste. The Hoku parcel has been the subject of a polysilicon plant that went bankrupt, a metals company that defaulted, a sports dome that never broke ground, and now a \$2 billion data center. The pattern at this site is ambitious promises followed by orphaned obligations. Approval of a permit of this magnitude, before the underlying utility, water, air, and financial assurance questions have been answered, repeats that pattern.

The applicant's economic projections are drawn from industry benchmark documents, not from a binding commitment to Pocatello. The risks — to residential electric bills, to inversion-season air quality, to long-term site liability — are concrete, local, and irreversible. The asymmetry is unacceptable.

I respectfully urge the Hearing Examiner to deny the conditional use permit and to require the applicant to return with completed utility, air quality, and water studies, binding cooling and ratepayer-protection terms, and posted financial assurance for decommissioning before the City entertains the application again.

Sincerely,
Joyce Bybee
156 1/2 Mickinley Ave
Pocatello, ID

From: Nicholas Hendricks <rudibega@icloud.com>
Sent: Thursday, May 14, 2026 6:45 PM
To: Planning
Subject: Re: data center conditional use permit

Some people who received this message don't often get email from rudibega@icloud.com. [Learn why this is important](#)
My name is Nicholas Hendricks, and I am a third generation Pocatellan.

I strongly oppose the conditional use permit application for Lex developments and Gus Schultz, at 1800 River Parkway, the site of the defunct Hoku chip plant, and encourage the hearing examiner and the city council, to deny the conditional use permit.

Data centers are bad for communities on many fronts.

Increased power consumption too often leads to rate increases for residents and increased potential for adverse environmental effects. This plant seeks to use as much power as the entire city of Pocatello, effectively doubling the city's needs. Who will pay? What will the city do when these energy needs increase in time.

Also, Water contamination is a very real outcome with Data centers, including those with closed loop cooling systems, via intermittent flushing, called blowdown.

The water in these cooling systems contain corrosion inhibitors, anti-scale agents, and biocides, forever chemicals, and other contaminants, which are discharged during flushing events. Where will these chemicals and biocides eventually end up? In our rivers and in our drinking water.

Economic and environmental concerns regarding Lex development's application for the conditional use permit, have not been adequately assessed. Water quality, air quality, long term job creation, tax benefits, and data center objectives have not been addressed.

Will this data center be used, as many others are currently, to spy on and collect the personal data of Americans. We want increased privacy protections, not big brother and Peter Thiels Palantir.

It is the responsibility of the city government and the hearing examiner to serve the interest of the city residents, and not that of out of area developers, without a real plan.

Lex Developments has not show that their operation will be safe for our community, or that their operation won't increase the already stressful energy rates in our city.

The economic benefits in this project do not outweigh the potential economic and environmental harms that have been brought to communities across the country by data center developers and operators.

I call on the city council and the hearing examiner to oppose the conditional use permit for 1800 River Parkway, or potentially face the consequences of recall and removal, such that has happened to other American city councils and county boards of supervisors that have bent the knee to data centers, while ignoring the health and safety, or the will of their constituents. We are watching and we will organize as necessary. You work for us.

Our community will continue to fight this proposal as long as the questions and concerns continue to be neglected.

Thank you.

Signed Nicholas Hendricks

Sent from my iPhone

From: Brooklynne Noe <lbbelly@gmail.com>
Sent: Thursday, May 14, 2026 6:59 PM
To: Planning
Subject: Data Center Opinion - opposed

Some people who received this message don't often get email from lbbelly@gmail.com. [Learn why this is important](#)

My name is Brooklynne Noe, I live here in Pocatello. I am an illustrator who has watched AI take over potential jobs for illustrators and artists. AI image generation has grown exponentially in popularity with no regulation or oversight. Written AI is the same, and provides misinformation seemingly as often as facts. Companies have spent billions on AI programs that solve no problems and have returned no profits. AI is not advanced enough to provide real value comparable to the extent it's being pushed. I fear that we are headed towards a sudden drop in use of AI, due to businesses abandoning them for more profitable avenues and/or inevitable government regulation that will restrict its usage.

My concern is that a data center will be built just to be abandoned soon after. Those in charge of building these centers have a goal of quick profits, not community impact, and if abandoned, we don't know what the environmental impact will be — not to mention there being an abandoned building for us to deal with after the fact.

On top of that, these are my environmental concerns for when the data center is in use.

- **Hidden Water Usage:** Closed-loop systems (especially dry coolers) require significantly more electricity to run pumps and fans to reject heat compared to evaporative methods. This increased power demand often comes from local electric grids that rely on thermoelectric power plants, which consume massive amounts of water for cooling. Therefore, water consumption is often moved from the data center to the power plant.
- **Higher Power Bills:** The energy-intensive nature of closed-loop systems contributes to higher electricity prices for local communities.
- **Thermal Pollution:** Even if the water is not heavily contaminated, the heat rejected from a closed-loop system must go somewhere. In some setups, this results in discharging warm water back into local water sources, which can disrupt aquatic ecosystems.
- **High Cost and Maintenance:** These systems are far more expensive to build than traditional systems. The maintenance, chemical monitoring, and potential for corrosion require high levels of upkeep to prevent system failures.
- **The "Closed" Myth: It Still Consumes Water:** Even with a sealed internal loop, closed-loop systems often require water for initial setup & makeup; large, initial volumes are needed, followed by constant "make-up" water for evaporation in the chiller plant, leaks, or routine maintenance. To prevent corrosion and mineral buildup, concentrated water must be periodically drained (blown down) and replaced with fresh water. Closed-loop systems rely on a "cocktail" of additives—such as nitrites, molybdate, and biocides—to prevent rust, scaling, and microbial growth. The water removed during flushing or blowdown is often considered toxic and requires specialized handling.
- **Groundwater Risk:** A slow, undetectable underground pipe leak can release concentrated chemicals into the local soil and water table

From: Minhaz Zibran <zibran@isu.edu>
Sent: Thursday, May 14, 2026 6:55 PM
To: Planning
Subject: testimony about the AI data center proposal in Pocatello

Some people who received this message don't often get email from zibran@isu.edu. [Learn why this is important](#)
Good evening.

I am offering my testimony **against** the AI data center proposal in Pocatello.

I am a professor of computer science at ISU. I am not against AI, in fact, I frequently use AI in my research and other work.

I understand that the proposed data center will bring economic benefit to the city. But such economic benefits can be achieved by inviting other kinds of businesses.

The environmental impact of a data center in Pocatello can be catastrophic. The heat released in the air will increase the city/environment temperature by 3.6 degree fahrenheit according to a Cambridge University Study. This hotter environment will negatively affect wildlife while also making Pocatello summers scorching hot.

The proposed data center will double the city's electricity consumption (according to Idaho Power) and will also substantially increase water consumption, which in turn would result in higher costs for energy and water.

There is no reason for a data center to be in a city. This is not a kind of establishment, where mass people go for frequent business (as customers or workers). Which is why data centers are typically placed in remote and colder areas, even under the sea, which are connected with wires and cables for data and energy transmission, and may not even have connected with typical roadway.

Considering the above, a data center in Pocatello is a terrible idea for the city, and I strongly oppose it.

Cheers.

Minhaz F. Zibran, PhD

Professor & Graduate Program Director | Computer Science
Faculty Lead | Software Engineering and Cybersecurity Research Team (SECRiT)

<https://sites.google.com/view/minhaz-zibran>
921 South 8th Ave | Pocatello, ID 83209



PC 115

A number of years ago we invited a company called Hoku to Pocatello. They were a company that promised hundreds of jobs, substantial economic benefits for our community. The city purported Hoku would take us into the "next generation of energy development(Chase, Mayor att)". But Hoku was operating on a market trend, a fad. The plant never opened, and taxpayers footed the bill for Hoku's failing. And now we have a group offering the exact same promises on the exact same soil. They say they'll create jobs, enrich our community, invigorate our economy, bring in more business, the exact same things Hoku said. On the rotting bones of Hoku's failure, they want to build Hoku II. Literally, on the same soil. It doesn't get more on the nose. A much more expensive, much more invasive development, banking on a similar, but equally volatile trend. The project will use roughly as much power as our entire city, drawing on an already strained power grid. It will use an inordinate amount of water, taking away a vital resource from our agricultural community where it's already at a premium, while we're in a drought. Data centers are known to be noisy too, with a noise level rivalling our local motorsports events. I already hear the Simplot sirens from my house, I don't need a 100db drone to go with it. But it gets worse! In addition to stealing our water and power and drowning us out with noise, Data has shown they can increase temperatures in up to a 6mi radius up to 16 degrees. That's our entire city. For reference, that's all the way out past Ross Park to the south, out past the Temple east, past Tyhee to the North and past the Airport to the west. This proposal is unacceptable. It does not benefit our community, and we don't want it here.

Submitted by:
E Lujano
Submitted on 5.14.26

From: wyn94@proton.me
Sent: Thursday, May 14, 2026 7:08 PM
To: Planning
Subject: Land use oermit for data center

Some people who received this message don't often get email from wyn94@proton.me. [Learn why this is important](#)
To whom it may concern,

I'm an 7 year citizen of Pocatello, i work in technology/ai and own a local business that patented and provides solutions for data centers. My comment comes from personally being around data canters, the chips etc. I sat in the hearing the whole time. People made many points some valid some dated. I've personally seen the new Vera Rubin systems by Nvidia, seen closed loop cooling by oracle. Our concern shouldn't be if a data center should be allowed, we lost ON we have no industrial tech in Pocatello and whether people like it or not technology isn't going anywhere. Approving this land for a data center fits the usage of industrial usage and then we look at conditions for allowing a data center plant. I have seen closed loop systems and the water consumption issues don't come from data centers they come from designers and companies. What we should be asking isn't should or shouldn't land be used for a data center, it's industrial and deserves the same fairness as any manufacturing but asking why we need it and who develops it is where the question matters. The infrastructure issues are real, my personal company has patented solutions to minimize heat and size of data centers; working on bring companies into more efficient centers should be the goal.

Nathan Nelson
Blacksheep OI
www.blacksheephq.ai

Sent from [Proton Mail](#) for iOS.

From: Samantha <andy_sammy2002@yahoo.com>
Sent: Thursday, May 14, 2026 7:27 PM
To: Planning
Subject: AI data center testimony

Some people who received this message don't often get email from andy_sammy2002@yahoo.com. [Learn why this is important](#)

To whom it may concern,

I am writing to show my opposition to the permit proposed for the AI data center. They simply do not have the actual facts and figures necessary. They currently state that we do not have the electrical abilities necessary and the Idaho power's impact analysis is currently incomplete. They also do not have the information on water or sewage capabilities yet.

An air quality analysis should also be completed before considering their permit. They claim there will be no health implications, but the sound of the data center will affect over a two mile radius, which impacts a large portion of Pocatello.

Their application is full of promises, but no real information.

This is all without taking into consideration the massive environmental impact AI data centers have already been shown to have on the local communities they are built in. People running out of water, having contaminated water, more pollution, and higher energy costs. We've already seen it happen. The jobs it'll create are too few and too temporary for such a great cost. I am firmly against the building of this data center.

Thank you for your time.
Samantha kenner

From: Mike Z. <milradian@live.com>
Sent: Thursday, May 14, 2026 7:43 PM
To: Planning
Subject: Data Center Land Use

[Some people who received this message don't often get email from milradian@live.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

For the Record, my name is Mike Zebe.

As for the Conditional Use Permit, the it should be denied based solely on the fact that the affidavit of legal interest is not filled out in it's entirety; no address, no state, no city. Not to mention, the applicant could NOT adequately state in an open hearing how much water and/or power will be required. If the CUP is approved it won't matter, it is a stepping stone towards development and Pocatello must take every measure at the sole cost of the developer to have those numbers figured out before a CUP is issued. Our local governments make developers pay for traffic impact studies and the like prior to any CUP, zoning change, building permits, etc. and should force this developer to conduct their own studies on their own dime and present empirical and accurate information regarding; power consumption, initial water use and makeup, gas turbine generator usage, noise levels, affects on wildlife and surrounding ecosystems, etc. The developer did not provide this information tonight based on the claim that he "did not know" which translated into, "I do know, I just don't want to tell you" because all of that information hurts his campaign.

Deny the CUP until further factual information can be presented at the developers sole financial expense.

Sent from my rotary iPhone.

Carrie Ricks

Resident Chubbuck, Idaho

carriericks9@gmail.com

May 14, 2026

Pocatello Planning & Development Services

911 N. 7th Avenue

Pocatello, ID 83201

Subject: Formal Opposition to the Lex Developments AI Data Center Proposal

To the Pocatello Planning Commission and City Council,

I am writing to formally log my opposition to the conditional use permit and rezoning applications submitted by **Lex Developments** for the proposed AI data center at 1800 River Park Way. I currently live two miles from the proposed Data Center and am very concerned about the development of the AI Center. While I support economic growth, this specific development poses severe risks to our regional infrastructure, natural resources, and neighborhood quality of life, without delivering any real economic benefit to our workforce.

My primary objections to the **Lex Developments** project include:

- **Massive Thermal Output and Heat Pollution:** AI data centers are essentially giant industrial furnaces. The specialized chips required for artificial intelligence run incredibly hot, and all of that thermal energy has to go somewhere. To keep the machinery from melting, **Lex Developments** plans to use an array of 56 massive dry coolers that will continuously blast superheated air directly into our local atmosphere. This concentrated heat exhaust creates a localized "heat island" effect that will dry out the surrounding soil, wither nearby vegetation, and alter the immediate microclimate. Dumping millions of British Thermal Units (BTUs) of waste heat into our local environment 24/7 is reckless and dangerous.
- **Undue Haste and Lack of Public Transparency:** I am deeply troubled by the rapid timeline of these proceedings. Why is the city rushing to push this massive project through before local citizens have had an adequate opportunity to research its full scope and voice their opposition? A development that will permanently transform our community's infrastructure demands months of open town halls, comprehensive environmental impact studies, and transparent public debate. Ramming this through the approval process deprives the taxpayers of Pocatello of their right to democratic oversight and suggests an attempt to bypass public scrutiny before the community realizes the true costs.

- Compounding a Historic Water Crisis:** Idaho is currently enduring an [emergency drought declaration across all 44 counties](#) due to the [lowest winter snowpack ever recorded](#) in the state's history. The National Weather Service reports [high confidence that our water supply stress will intensify](#) with zero environmental relief through the rest of the year. Our farmers and irrigators are already being forced to share limited resources and face production cutbacks. Introducing a massive, water-intensive data infrastructure project during the worst drought we have ever seen is a catastrophic risk to the Eastern Snake Plain Aquifer.
- Precedent of Secret Water Exploitation (The Georgia 30-Million-Gallon Crisis):** Tech developers cannot be trusted to self-regulate or respect local water shortages. Investigative reports recently revealed that a massive QTS data center in Fayetteville, Georgia, secretly drained nearly 30 million gallons of water from the local grid over several months [without a single gallon being metered, tracked, or paid for](#). This unpermitted usage was only caught after [local suburban residents suffered severe drops in their household water pressure](#), which occurred [while the county was actively ordering residents to restrict lawn watering](#) due to severe drought conditions. Pocatello cannot risk bringing an unmonitored utility drain into our backyard when our community is already facing historic shortages.
- Deceptive Claims on Job Growth and Economic Benefit:** Project developers frequently use the promise of "job creation" to win over local cities, but the reality of modern AI data centers is entirely different. These facilities are highly automated and do not help our local job market. Once the initial out-of-state construction crews leave, a facility of this size requires only a skeleton crew of a few dozen security guards and low-level technicians. The high-paying engineering, network architecture, and administrative positions are entirely run remotely from other states and countries. Our community is being asked to sacrifice our local infrastructure for a corporate facility that operates like a ghost town, shipping all economic wealth and employment opportunities away from Pocatello.
- Precedent of Community Energy Displacements (The Lake Tahoe Crisis):** The strain on residential resources goes beyond water. In a parallel infrastructure disaster, NV Energy is cutting off 75% of the power supply to nearly 49,000 Lake Tahoe residents by May 2027. The utility is actively stripping electricity away from homes and ski resorts to feed high-density data centers in northern Nevada, [leaving residents facing soaring energy costs](#) and total power uncertainty. Allowing **Lex Developments** a footprint here exposes Pocatello residents to the exact same risks of utility displacement.

- **Widespread Acoustic and Quality-of-Life Risks to Residents Within 2 Miles:** The environmental footprint of a data center expands far beyond its property line. Data center industrial hums can often be heard and felt **up to two miles away**. The thousands of high-velocity dry coolers, exhaust systems, and backup generators produce a relentless, 24/7 low-frequency vibration. Local families living within this two-mile radius face documented risks of sleep disturbance, high blood pressure, and persistent anxiety from the constant acoustic pollution, which will inevitably degrade property values for hundreds of Pocatello homes.
- All data centers are causing a "low hum" for nearby communities, caused by massive, 24/7 cooling fans and power systems (generators, turbines). This noise is characterized as a persistent, low-frequency sound or vibration that can feel like a deep rumble. Residents have reported headaches, insomnia, nausea, and anxiety, forcing some officials to pause new project
- **Unsustainable Power Scale: Lex Developments** has provided conflicting data, citing a 100-megawatt requirement to city staff while advertising a 200-megawatt footprint in its economic presentations. The footprint of this scale is enough to double the entire energy consumption of Pocatello. Looking regionally, projects in neighboring states like Utah and Wyoming are already projected to consume more electricity than those entire states currently generate. Pocatello should not open its doors to an industry that systematically cannibalizes public utility grids.

I urge the Planning Department to halt this hurried approval process, protect our community resources, stand with everyday residents over out-of-state interests, and deny the applications put forward by **Lex Developments**. If this moves forward, I worry about my kids' future and what Pocatello looks like for them. Thank you for your time and your consideration of our community's future.

Sincerely,

Carrie Ricks

From: Vyonne Jenks <vyonnejenks@isu.edu>
Sent: Thursday, May 14, 2026 7:59 PM
To: Planning
Subject: AI Data Center @Hoku plant

Some people who received this message don't often get email from vyonnejenks@isu.edu. [Learn why this is important](#)
My name is Vyonne Jenks, I am a resident of Pocatello and live within a quarter mile from the Hoku Plant. I am strongly opposed to the approval of the development of a Data Center in Pocatello. I have witnessed the exceptional Testimonies of endless residents from this city. I Stand Strongly behind the Opposition of the conditional use permit for a Data Center!

From: savanah jo treadwell <savanahjogreen@pm.me>
Sent: Thursday, May 14, 2026 8:10 PM
To: Planning
Subject: AI Data Center

Some people who received this message don't often get email from savanahjogreen@pm.me. [Learn why this is important](#)

Hello,

My name is Savannah Jo Treadwell. I am a resident of Pocatello, Idaho and I would like to express my disapproval of the proposed data center. It will cost so much more than it will provide. The cost to our environment, water, and people is not worth it. I would like my vote to be recorded.

Thank you, Savannah Jo

From: jeremy st. louis <JSt.Louis5@outlook.com>
Sent: Thursday, May 14, 2026 8:21 PM
To: Planning
Subject: AI data center
Attachments: favicon.ico

Some people who received this message don't often get email from jst.louis5@outlook.com. [Learn why this is important](#)

Hello, my name is Jeremy St. Louis and I am against the proposed AI data center for Pocatello. As it is right now the applicant has not described in detail of how it will affect the community. Such as; air, noise, or light pollution. They say it will use a closed loop cooling system. Are they planning to use a cooling tower to evacuate heat? That's not a closed loop. Is it using a type of refrigerant system? They say that Idaho power has a 110 mega watt substation already available for that industrial area. Although that's the base wattage the AI data center will use. What about the other 90 mw? Speaking of power. The company proposes a gas turbine to produce electricity capacity until Idaho power can upgrade its infrastructure. How do you cool a gas turbine power plant? Usually with cooling towers. None of that was explained.

Here are some facts.

Lake Tahoe is now requiring 50,000 residents to look for a new power supply because the power supply company is more obligated to supply the AI data center. Plenty of other sites to review. These businesses do not care about the residents.

<https://fortune.com/2026/05/12/lake-tahoe-data-center-49000-residents-power-source/>

They make promises never kept about water.

Data centers are draining our
pocketbooks, water, and Michigan's future
michiganlciv.org



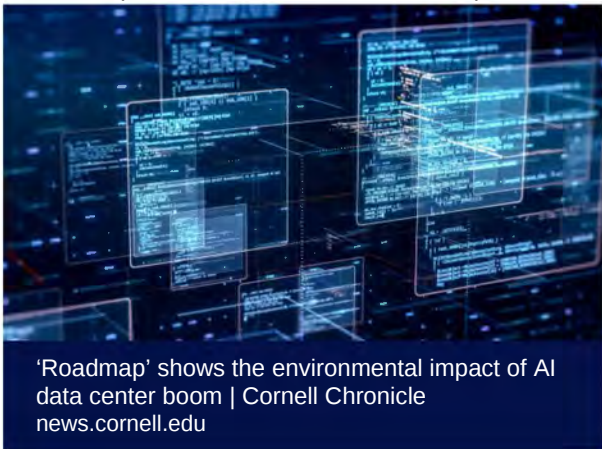
<https://www.lincolnnst.edu/publications/land-lines-magazine/articles/land-water-impacts-data-centers/>

Myths vs. Reality: Data Centers And
Water Usage - Florida Water and Pollution
Control Operators Association
fwpcoa.org



Good read about all forms of cooling.

The ai air pollution will add to what simplot already produces. Not good.



'Roadmap' shows the environmental impact of AI
data center boom | Cornell Chronicle
news.cornell.edu

Lastly. How many jobs will it actually bring to the city? Not construction jobs to build but once operational?
Thank you for your time.

Sent from my iPhone

From: Lauren Georgeson <georgeson.lauren@icloud.com>
Sent: Thursday, May 14, 2026 8:23 PM
To: Planning
Subject: Data center

[Some people who received this message don't often get email from georgeson.lauren@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

This potential data center will cost Idahoans more than they'll benefit from it. The only people who truly benefit from it are the elitists who will own it. We live in a desert. Pocatello already is struggling to have the water and the subsequent infrastructure, its residents need. A data center uses up too much water and will be a drain on our ecosystem. Also, it's ironic that the year this is presented has had record highs and the governor had already announced a drought in April. Please do not allow this data center to come here.

Respectfully, Lauren Georgeson

From: Ashelee Rasmussen <asheleerasmussen@isu.edu>
Sent: Thursday, May 14, 2026 9:19 PM
To: Planning
Subject: AI data center proposal comment

Some people who received this message don't often get email from asheleerasmussen@isu.edu. [Learn why this is important](#)

Hello,

Thank you for taking public comment on the AI data center proposal.

I would recommend a denial of the proper permit.

I believe that this proposal is far too vague and incomplete to consider. There needs to be more specific information about predicted water usage, power usage, infrastructure needs and more. There are also contradictions in the proposal, specifically concerned the creation of many long-term jobs and the small number of employees required at the proposed center. There is also no proof of capital that the company has to complete a functioning facility. There are strong concerns about the environmental impacts and that there has been no consideration as to how this facility and it's function will impact the surrounding ecosystem, natural waterways, and valuable native plants and animals. There has also been no consideration of larger environmental impacts beyond the immediate area. Additional concerns surrounding water use, (will clean municipal water be used?), waste management, power infrastructure, burning fossil fuels to supplement power and other similar issues that would have strong negative impacts on Pocatello's citizens and the environment need to be strongly considered by professionals from various field to obtain a holistic view of this proposed facility and it's impacts, both positive and negative.

Thank you for considering my and other public comment in making this critical decision.

Best,
A.M. Rasmussen
Resident of Pocatello

From: Murphy, April
Sent: Monday, May 18, 2026 1:29 PM
To: Flynn, Jennifer
Cc: McLane, Brent
Subject: FW: Data center

Building Department received this email...

April

-----Original Message-----

From: Monica <monicashick@hotmail.com>
Sent: Thursday, May 14, 2026 6:09 PM
To: BuildingDept <BuildingDept@pocatello.gov>
Subject: Data center

Some people who received this message don't often get email from monicashick@hotmail.com. Learn why this is important <<https://aka.ms/LearnAboutSenderIdentification>>

To whom it may concern, I would like to add a comment about the proposed data center. As a proud fourth generation Idahoan I would like to say that growth in our community must include thoughtful long recourse. This means that a data center should not be allowed to build in our city.

The cost to Idahoans is not fully recognized and should not fall on us (Idaho power consumers) to fund research for this project. The power concern is paramount to you but our rivers, land, and children are our most precious resources and must not be sold out.

The humble city of Pocatello is full of great retailers and a ski resort that will suffer exponentially for the heat transfer. With no more snow, the community loses much more than a data center can create.

When you don't understand the product, aka what they are selling or how they recoup billions of dollars you can know that the product is you.

The industrial space zones for raw good and a data center does not create a raw good. Say no to the data center.

Monica Shick

From: Nichols, Anne
Sent: Monday, May 18, 2026 9:08 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Pocatello Data Center

From: zach burton <zgburton84@outlook.com>
Sent: Thursday, May 14, 2026 5:07 PM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: Pocatello Data Center

You don't often get email from zgburton84@outlook.com. [Learn why this is important](#)

Dear Mayor Dahlquist,

Congratulations on your election. I know myself and my family are very excited to see you in a position to make positive strides for our community.

I know you love this community as much as I do and as such, I am writing to you concerning the proposed AI data center in Pocatello.

While development is often framed as progress, this specific project presents significant risks to our residents' financial and environmental well-being.

My primary concerns center on the following:

Utility Infrastructure and Costs: Idaho Power indicates this facility will require over 100 megawatts—enough to power a city the size of Baton Rouge. This massive demand will force infrastructure expansions that inevitably lead to higher utility rates for local families.

Environmental Impact: AI data centers generate substantial wastewater "blowdown" containing concentrated chemicals and thermal pollution. Pocatello's current wastewater systems are not equipped to process this volume or toxicity. Accepting this project risks long-term environmental degradation and costly municipal system upgrades.

Lack of Transparency: Lex Developments LLC remains an opaque entity. Without public information regarding their financiers or past performance, the city is effectively entering a high-stakes agreement with an unvetted developer.

Taxpayer Burden: Idaho's corporate tax incentives ensure the financial weight of this development shifts to local homeowners. We have seen this play out in Boise with the Micron expansion, where property taxes rose for residents while the corporation received breaks.

Pocatello deserves development that provides a clear, net benefit to its citizens rather than one that prioritizes corporate profits at the expense of our infrastructure and tax base.

I ask that you prioritize the long-term stability of our community when evaluating this proposal.

Your friend,
Zach Burton

208-240-4452

zgburton84@outlook.com

Flynn, Jennifer

From: Nichols, Anne
Sent: Monday, May 18, 2026 9:08 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: No AI Data Center

-----Original Message-----

From: William Lane <wblanejr@gmail.com>
Sent: Thursday, May 14, 2026 8:06 PM
To: _City.Council <City.Council@pocatello.gov>
Cc: williamandannalane@gmail.com
Subject: No AI Data Center

[Some people who received this message don't often get email from wblanejr@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi Pocatello City Council,

I am a resident of Pocatello/Chubbuck.

My address is:

5070 Tessa Circle
Pocatello, ID 83202.

I do not want an AI data center in our city. It's bad enough having Simplot stink up the air almost every day. I don't want an AI data center making constant loud humming sounds.

Thank you,

William Lane

From: Nichols, Anne
Sent: Monday, May 18, 2026 9:07 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: Online Form Submittal: Email the Pocatello City Council

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 14, 2026 8:33 PM
To: _City.Council <City.Council@pocatello.gov>
Subject: Online Form Submittal: Email the Pocatello City Council

Email the Pocatello City Council

Name	Katelyn Hopkins
------	-----------------

Email Address	Katyjohopkins@gmail.com
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Phone Number	2082519274
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Message

These are my comments about the proposed AI data center: I am a lifelong citizen of Pocatello and I am deeply bothered by the fact that this proposal is even being considered. There is a comic where a business bro in a tattered suit is sitting with kids in a cave and says to them, "Yes, the planet got destroyed. But for a beautiful moment in time we created a lot of value for shareholders." This sums up this project for me. Not only is AI wasting already low freshwater resources (EESI) and polluting our air (UAB Human Rights Blog) , but it is making people dumber (MIT study). I don't know why the City of Pocatello, a city in the middle of the DESERT, would approve a project that would use up the last of the fresh water we have available in our aquifer in the midst of a climate crisis. Our Eastern Snake River Plain Aquifer is already threatened by climate change, according to the Idaho Conservation League. We literally just skipped winter in Idaho and some people think this is the right time to build something that will guzzle up the rest of the fresh water. For what? Getting dumber and poisoned by our own air and water? These things are supposed to be HUMAN RIGHTS. If we deplete our aquifer so a few rich people can get richer while everyone else gets sick and dies of poisoned air or water, that would be so stupid and so sad.

Email not displaying correctly? [View it in your browser.](#)

From: Nichols, Anne
Sent: Monday, May 18, 2026 9:07 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: IA data center- please consider the issues

From: N Denning <nickdenning123@gmail.com>
Sent: Thursday, May 14, 2026 9:56 PM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: IA data center- please consider the issues

You don't often get email from nickdenning123@gmail.com. [Learn why this is important](#)

Hi, I am a 4rd generation Pocatello resident. I have lived here my entire life. I am 41 years old and just trying to work hard and raise my 4 kids. Please don't grant the zoning or permits to allow an AI data center in our town. This will not provide benefits to our community. The technology as a whole is concerning for job replacement and the use of electricity, heat, noise and water use are all a major concern. These companies make promises that they have not kept in other states and cities. I voted to have you as mayor. I hope you consider my opinion in the matter.

Thank you.

Nick Denning

Questions from the
Portneuf Resource Council
to the City Council and Mayor of Pocatello
Mike Engle, Linda Engle, Shannon Ansley
May 14, 2026

The Conditional Use Permit asks if this will be “detrimental to the public interests, health, safety, or welfare of the city”. We ask that studies be done to answer the following questions with numbers that can be verified:

- What will be done with the waste heat?
 - Will it be vented to the atmosphere?
 - It appears this will create a heat island, how will that affect the river, surrounding areas including neighborhoods and Pocatello as a whole?
- How much light pollution will there be?
- How much noise pollution will there be?
 - How will this be mitigated?
- How much air pollution?
 - Will there be a smell?
 - Will there be toxic or non-toxic fumes?
 - How will these be mitigated?
 - What impact do the Simplot air pollution emissions will have on this new operation?
- We understand this operation will double the current electrical demand of Pocatello. Where will this power come from?
 - Currently Idaho must import electricity from out of state to meet its current demand. Would this operation make Idaho a bigger energy importer?
 - Would this power come from another fossil fueled plant? Possibly natural gas? How will this help Idaho Power meet its 100% clean energy by 2045 commitment?
- What amount of water will they use?
- Will heated water be dumped into the Portneuf?
- What amount of waste water will there be?
- The Portneuf river ends on Triabal land.
 - Have they met with the tribal leaders about this?
 - What is the type of coolant?
 - What safety measures will be taken in case of a spill?
 - What is the impact on the ground water in terms of leaks or spills?
- Are they aware they are within the proximity of a superfund site?

John Edwards - 2.26 125 11/1.

6-2 1/2 1/2 1/2 1/2 1/2

1/2 1/2 1/2 1/2 1/2 1/2

1/2 1/2 1/2 1/2 1/2 1/2

Jennifer Flynn - CUP 26-003 Gus Sivitz

1701; 160.C Did not have to hold meeting.

Land use industrial - heavy use.

Must have permit reviews before construction.

(Fire, water, sewer, environmental, building)

No power plant on site.

Grower pays for growth. 1/6 cost shifting. says ID Power.

92 public comments have been received by the city.

1/2 1/2 1/2 1/2 1/2 1/2

3 people in favor

John Edwards - 2.26 \$2.6 million tax to city.

Harness data center heat.

From: Nichols, Anne
Sent: Monday, May 18, 2026 9:05 AM
To: Flynn, Jennifer; McCulla, Aceline; McLane, Brent
Subject: FW: CUP26-003

From: Beebe, Skyler <sbeebe@pocatello.gov>
Sent: Friday, May 15, 2026 8:15 AM
To: Nichols, Anne <anichols@pocatello.gov>
Subject: FW: CUP26-003

FYI...

Regards,



Skyler Beebe
Director - City ADA Coordinator
City of Pocatello
Office: 208.232.5057
Dispatch: 208.234.2287
pocatellotransit.com

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From: Evelyn vollmer <vollmerevelyn1997@gmail.com>
Sent: Thursday, May 14, 2026 8:12 PM
To: Beebe, Skyler <sbeebe@pocatello.gov>
Subject: CUP26-003

You don't often get email from vollmerevelyn1997@gmail.com. [Learn why this is important](#)
Hello!

I was looking for the email to send this too and yours came up first. So sorry if this is the wrong person.

Here is my statement re tonight's hearing:

Hearing Examiner,

My name is Evelyn Vollmer I'm a full time resident of Pocatello.

I would like to preface that I wrote this statement completely with my own human brain, and my own human thoughts.

I love pocatello, I volunteer here, I own a home and operate my business here. I truly believe our valley is one of the most special places in the world.

I would like to caution the city against granting this company a conditional use permit for the data center. I do not believe they have answered appropriately the questions regarding power usage or water consumption.

Further, I believe the city needs to exercise extreme caution moving forward and put forth a committee or some sort of regulatory body to change city code to place more regulations against data centers. We need real answers on sound effects, environmental effects.

Sure, to some it may sound alarmist, but I do not mince words when I say this Data center threatens everything we as pocatellians have built. All of Idaho and much of the Pacific Northwest is experiencing a severe drought, this week it reached 90 degrees. Summer hasn't even gotten here and we're facing water shortages. As a homeowner I've made the tough decision to focus my water usage solely on my garden, I'd love to water my grass but I'm already nervous what the water bills this summer are going to look like. Add that the data center is projected to double the city of Pocatello's electricity consumption I'm terrified to know what the new electricity bills will look like.

We do not know the long term effects of data centers yet, will they become obsolete in 10 years and then we're stuck in the same situation like with the aim complex/hoku plant? Will it snowball and our children will not be able to look into the distance without a data center there to stare at?

It's very telling to me that out of state interests have honed in on Idaho as the place to set these data centers up. It won't be in their backyard so why would they care? I grew up reading those little signs on the side of the highway that read "Idaho is too great to litter" and ya know what, it's true. "Idaho is too great to litter"

Please reject this application.

Hello,

My name is Tyler Johnson and I have been a Pocatello resident for a little over 18 years which is over half of my life. I have witnessed many good and bad things occur within our little city, but recently it has felt like a non-stop barrage of bad. From major facility closures, massive layoffs and now a proposed Data Center that feels more like a quick cash grab for the space at the expense of the little city life I have grown to love. I have prepared many key points of contradictions and concerns that I feel and hope the public servants of Pocatello have recognized and related to regarding this proposal so for the sake of time, let us begin.

In the "Conditional Use Permit for potential data center" I identified the following:

The Applicant Response contradiction in response to Code Section 17.02.130.D1 Quote: Specifically, the proposed development is consistent with the intent and purpose of the applicable zoning district, which is to accommodate employment-generating, infrastructure-supported commercial and industrial activities...then later in the same Applicant response states that it operates within an enclosed structure, has limited on-site staffing, and generates minimal external impacts. I must ask, how will this generate employment long term if the center has limited on-site staffing? The Applicant Response also states in response to D2 "The project represents a significant investment in technology infrastructure and contributes to the diversification of the local economic base by introducing a high-value, low-impact employment use". In fairness, the Applicant does mention the employment-generating uses in appropriate districts where infrastructure capacity exists which to me sounds beneficial, but as mentioned earlier, for what time frame? Short or long term?

Further Applicant statements regarding the seemingly contradictory employment selling point is in D3 "The data center will operate entirely within an enclosed building, with limited employee presence and minimal customer or public access". If employment fails to be generated elsewhere AND there is minimal employment within the facility itself, this will be another Hoku Plant and River Park Complex.

I have great concern in the Applicant Response to D4, which appears to completely ignore the shared questions and concerns generated by the Staff Review regarding water consumption, energy consumption and appears to be utilizing Ai generated responses as I have learned to identify working with Federal Financial Aid at ISU. Additionally, the Applicant Response to D5 and D6 are word for word the same response failing to elaborate on the explicit details referenced in the separate code sections. This again leads to questionable Applicant Responses and the possible use of Ai to respond to Staff Review and Code. The D7 Applicant response states "while placing minimal demands on public infrastructure" even though Idaho Power commented previously in D4 that 100 megawatts needed to run the data center is comparable to the amount of power utilized by the entire city of Pocatello in one year causing concern that the applicant is not truly processing what is in the text and goes against promoting responsible growth and sustainable land use patterns of building a second Pocatello for a single facility.

Now, I also have concerns with the Affidavit of Legal Interest that was publicly published. Such as, but not limited to, who is Gus Schultz of Lex Developments LLC? We know of Chad D.

Hansen (on behalf of Portneuf Capital, LLC) associated with failed previous projects (see ISJ article regarding the River Park Complex in 2021) residing in Lakeland, Florida, but why the lack of address information for Gus Schultz / Lex Developments LLC? In conjunction with improper documentation (crossing out State and County without initial and date of Notary). I could only find Lex Developments LLC at 3868 S Lindsay Rd, in Gilbert, AZ that has no current identifiable records or even a facility in Arizona per Google Map Street View, granted last updated in 2024, and a vaguely related Lex Construction, LLC coincidentally located at 1051 S Combee Rd in Lakeland, FL. The same location as Chad Hansen and the Notary, of whom, I could also not find any record of other than a single document regarding property transfer in the state of Florida from 2012. To me, cause for concern, considering the millions of dollars involved with this project and the LLCs and something I hope you consider in your evaluation.

Finally, onto the PowerPoint slides presented to the public and its issues. Before dissecting, I would like to state, that I did use Google Ai for this portion to demonstrate not only is the Ai bubble a threat to our little city, but a threat to the individuals who are selling this modern-day snake oil. The slides state, how it works: Like the coolant in your car's engine —the same liquid circulates continuously and is never consumed. Water goes in once at construction; that's it. The system is sealed and self-contained. This is inaccurate since even a gaming PC such as CORSAIR All-in-One (AIO) liquid CPU cooler can last anywhere between five and ten years indicating it isn't just once. Also, extreme heat or humidity can potentially lead to premature wear, so it's important to keep tech items such as these in a well-ventilated and controlled environment. On top of that, Liquid cooling systems (AIOs or custom loops) can freeze in cold temperatures, typically when stored in environments below 20 to 25 F. If the coolant freezes, it expands, causing risks of cracking tubes, pumps, or radiators. In later slides it also affirms this center will generate 5 to 10x more heat, specifically 50–140+ kilowatts per rack and a 59-acre site can support roughly 10,000 to over 30,000 AI server racks per Google Ai. The slides do not lie when saying it is like cooling a jet engine, not a bedroom. For expedited summary, I will defer to a summary provided by the two-edged sword that is Ai. While closed-loop systems don't evaporate water constantly, they must regularly "bleed" or purge the system to remove toxins, heat-transfer inhibitors, and toxic additives (like "forever chemicals" or PFAS). This leads to the disposal of contaminated water, which can enter local water supplies. Closed-loop systems can require **10% to 40% more electricity** to operate compared to open-loop evaporative systems. This increased power demand forces operators to pull more energy from the grid, often causing more indirect water usage at power plants (fossil fuel generation) than the data center saves on-site. The additives in these systems, specifically related to corrosion control, can break down into chemicals associated with reproductive health risks. In practice, these systems often still lose water to leaks or, in high-temperature environments, emergency evaporation when the closed loop cannot handle the intense heat generated by AI chips. To prevent fire risks in dense server setups, many centers use non-conductive, PFAS-based "clean agents" (e.g., Novec 1230), which pose long-term environmental hazards, leading some suppliers to cease production. This concludes my argument of why we as the City of Pocatello should not even consider touching this proposal or any that are like it. As a fellow servant to the citizens of Pocatello and equivalent imagers of God, we must consider diligently the everchanging tech landscape and not be hasty in pursuing short term money over the wellbeing of our neighbors, but more personally the people

God has blessed us with in our community. Thank you for your time and may God have mercy on our little city.

Meeting Minutes from CUP26-003 on May 14th, 2026

MEETING MINUTES
CITY OF POCATELLO HEARING EXAMINER
MAY 14, 2026 | 5:30 PM
COUNCIL CHAMBERS | 911 NORTH 7TH AVENUE

1. OPEN PUBLIC HEARING AND DISCLOSURE OF EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation and whether the conversation had any influence. Disclose if a site visit was done, the location, and what was seen.

Hearing Examiner **Kathleen Lewis** opened the public hearing at 5:33 PM and stated she visited the site and had no ex-parte communication or conflicts.

2. PUBLIC HEARING: CONDITIONAL USE PERMIT (CUP) – FILE CUP26-003.

This time has been set aside for the Hearing Examiner to hear comments from the public regarding a CUP request by Gus Schultz. The subject property, known as 1800 River Park Way (PARCEL NO. RPPGW000100 AND RPCPP044853, entails 59 acres (more or less) and is zoned of Industrial (I) with a Future Land Use designation of Industrial (I). The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and city staff have determined that the proposed use requires a CUP application. (Quasi-Judicial Public Hearing)

Gus Schultz of LEX Developments Inc. stated the application is for a conditional use permit for an AI Data Center at the River Park Complex. This project will be of better use for this land; it will generate more and better jobs and more tax revenue for Pocatello.

Lewis asked Schultz to describe what the project entails. **Schultz** stated they must **first clean up the site**, remove all the debris. **Second**, LEX Development is working with **Idaho Power to complete a six-month power assessment study** to determine if Idaho Power can get enough power to this site to build a seven (7) building AI data center Lex Development wants to build. The size of the data center cannot exceed maximum power capacity. Water infrastructure is in place if they decide to build turbines. **Third**, Gas is on site and **Intermountain Gas will complete an assessment study**, at no cost, to determine gas capacity.

The **Hoku was approved for approximately 125 megawatts of power**, the **data center requires an upgrade to meet data center power needs**. Schultz stated the Data Center links to Salt Lake currently, so they only need to build upright. Once power capacity is determined, this will determine the size of the data center, it cannot exceed power capacity.

LEX Development has started the design process because the building design process takes six to eight months. The power analysis studies need to be completed, and if the numbers may adjust the building design. Water usage will be determined upon findings of the power capacity and gas study results.

Schultz stated that Lex Development just purchased the property from Portneuf Capital LLC.

Lewis asked where LEX Development is located. **Schultz** replied, Arizona. **Lewis** asked where Portneuf Capital LLC is located? **Schultz** did not know, but he bought the property from them. **Lewis** asked for clarification that LEX Development purchased the HOKU site property. **Schultz** replied “yes.”

Assistant Planner **Jen Flynn** of the City of Pocatello summarized the staff report and noted that 92 written comments have been received for the application. It has been noted that a Data Center is not part of the City Code and the Planning Department and the Mayor wanted the public to be informed and have an opportunity to provide comment.

Flynn read Idaho Power’s utility comment that will be included with the Hearing Examiner Minutes that will be posted on the City’s Agendas and Minutes page.

Staff concludes that the proposed use is **compliant** with Pocatello City Code Section 17.02.130.D. A full analysis is detailed

within this staff report. Staff recommend the following conditions that are outlined in code for this type of use:

1. All applicable standards of the City of Pocatello Municipal Code not herein listed and applicable shall apply;
2. Any activity requiring a separate development or building permit shall comply with applicable regulations;
3. The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any site improvements that may be required; and
4. Idaho Power's impact analysis for power generation and construction be provided to the City once complete.

Lewis clarified that 92 written public comments were received as of 4:00 PM today for this application request.

Lewis opened the public hearing for public comment at 5:52 PM.

Those in favor:

1. Alasdair Macleod is a local resident in the area and has worked in data centers. He commented on high utility uses and low revenue stream, and as a business, they will try to get away with whatever they can with infrastructure and building. The building looks like a normal office building. It will come down to the city's supporting data center businesses coming to Pocatello that may provide revenue and jobs for the City of Pocatello. Planning will set conditions and oversight on the project.

2. John Edwards of Chubbuck works in finance and discussed the sites infrastructure being in place, that data centers generate heat and the city may want to consider investigating how to harness Data Center Heat, they use a lot of electricity, and is unclear of any increase tax revenue, and he stated the devil is in the details, but the details are not known at this time, because they were not presented in the application materials. Edwards supports the data center at this time.

27. Ralph McQue is recent ISU graduate of Technology and supports the data center, this is a prudent development for Pocatello.

Those neutral:

4. Wayne Shipman of Pocatello stated that data is what this application is about, society is addicted to data and a data center controls our data. Data is not neutral but does impact people's lives, and we should be looking at how data is absorbing and how people interact with data.

5. Eric LaRose of Pocatello stated that we need numbers; we need the following consumption numbers: water, power, electric, and gas. LaRose stated Pocatello would be looking at adding another city Pocatello by allowing an AI Data Center. City officials should ask if the current resources can handle the water and power consumption as well as labor. This forum is not to determine whether it should be done, but if it can be done. No information or data numbers were provided to make this determination. If new power stations need to be built to accommodate the increases, this will be an issue, and water has not been addressed. I am uncommitted, and the gentleman representing this company did a poor job, he did not present numbers or any information to address data megawatt usage, for exactly what power types and usage will be for any data center options that they would build. The representative should have identified exactly what they want to build on this site, exact numbers for required electrical power and gas for turbines, and water for cooling. This data center could consume as much power, gas and water as the city currently uses. We need consumption numbers and answers to what they want to build. This answer should have been identified before applying for a CUP.

6. Steve Millward of Pocatello was concerned that the HOKU project left financial hardship to local businesses that had to declare bankruptcy because they did not get paid. He wanted to make sure this company has full financial backing and pays for everything, not the city or government entities or its community members, before the project is approved. The full amount of money required for this project needs to be in escrow, and government agencies should not use taxpayer money to pay for any part of this project, look at the HOKU site and how it affected our community.

7. Tyler Durfee of Pocatello stated he has studied the water system usage for data centers and wanted to know if Idaho Power (IP) was getting its water from clean or dirty sources. Derby wanted to verify IP wants to use a clean process of

power, and if we are substituting water directly from the property, instead of making it a power water problem, Durfee does not want the water use or issues to affect future water charges.

8. Michael Vernon of Pocatello is undecided on the data center. He likes that the site will get cleaned up and he would like to identify the power usage of 250-350 watts. Hydrogen could be used for cooling. Jobs could help Pocatello, but what are the numbers, how many jobs, and what is the pay rates. Would this facility generate its own power instead of using new power resources?

9. Jacob Bower of Pocatello wanted to know exact power usage and for the company to identify if the facility has the power resources to support this facility and an AI Data Center may start with 100 megawatts, and it doubles in five years, can Pocatello grow fast enough and do we have the resources in 10-years when it requires 100,000 megawatts of power without affecting Pocatello and its citizens.

10. Chase Howie commented on poor management and a lack of trust in City Management. He does not have trust in our government to do this project right. The representative had to make a sell and he did not earlier. With a new Mayor and several City Council members, there is a new chance to maybe prove that we listen, ask the right questions, and do this right to make the city a better for all of us. Sound issues at certain frequencies affect a human's heart, hearing, balance, and peoples' overall health. The first gentlemen stated they will screw us, well, let's screw them. They should bear the cost to avoid future effects on us.

11. Carolyn Wight is here as a mother, teacher and resident of Pocatello. Wight is supporting her son, and she is here to listen and wants this project to get done right. Yelling and bashing each other is not going to get things done right.

12. Kate Selvage of Pocatello had questions that the company should identify of how this project and business will impact the land and environmental process.

13. Hanna Rumes was not sure about how noise pollution and other resource uses would destroy our wells and impact our wildlife and natural environment. Will they employee locals or use an out-of-state company? What about the electrical grid? There are too many unknowns to approve of this use.

14. Matt Cutler of Pocatello is a consulting engineer and a specialist on data centers. The city has messed up some land use and building projects by my home. Cutler saw a lot of panic on social media based on old data center designs. If city officials and staff demand new mechanical design standards and write code, inspect, monitor, and make sure City Codes are in place and complied with it, this could be good for Pocatello. Once an engineered system is built, they last 20-30 years. What is the plan for the next phase or how will this plant be handled if unsuccessful?

15. Becca Larson is new to Pocatello and lived by many data centers and they never saw their property taxes go down. Citizens never received benefits of tax money. Water is like gold in Pocatello, and she has concerns about water. Zoning regulations needs to be identified and created within City Code specific for data centers. Jobs are very limited for data centers, there are a lot of lights used for security of the data center. Time ran out as she discussed top six benefactors of tax revenue, local government was five of six.

16. Karen Ludwig of Pocatello understands that she is a user of data centers, and addressed a safety concern for the public; turbines are powered by gas. Data centers in the south using gas turbines are using fossil fuels. We need Idaho Power and Intermountain Gas Company to provide the data to determine this use for this proposed AI data center.

17. Ellie Ryan of Pocatello had concerns of stewardship of our lands. This is an out-of-state company that does not live here, with no skin in the game. Earlier comments made have addressed about the water, energy, sky light, and noise, but how will this data center impact our wildlife and their environment such as the water sources they drink that include rivers, ponds, lakes, and the lands they live, breed and roam that we share with them.

18. Emily Mizrahi stated she has been a resident of Pocatello for the last six years. Mizrahi does not have enough information to be for or against this CUP application. The applicant did not answer or represent the applicant for this CUP application request to really make an informed decision. One concern is noise pollution, Schultz did not address the closed

loop water filtration system, and that this type of system allows chemical and mineral build up, which requires the system to be drained or blown down. A cocktail of chemical additives used for this system would harm our water ways and water system. How would chemical monitoring and its processing have stainable impacts for our environment and water ways. System designs should have been provided to identify, through proper evaluation, how and where the drainage will be eliminated and the effects it will have on our land, water, and all living beings, especially with thermal pollution.

19. Justin Wernette was uncommitted, though leaning a little against, but could be convinced. The main concern is the thermal load that would generate 100 megawatts of power and the 140KW per rack that equates to approximately 477,000 btu per hour in a year. The Pocatello Airport uses about 7,000 btu per year and one rack is about eight feet by two feet. How many racks are they planning to run, and what do they expect the cooling load to look like.

20. Isabell Grey was concerned with their application contradictions with building disruption, energy use and available resources of water required to run the facility, and the specific number and type of long-term jobs and specific wage information for each long-term job.

21. Linda Engle on behalf of the Pocatello Resource Council. The CUP asks if this will be detrimental to the interest, public health, safety, and city. This testimony was submitted and will be included with the minutes PC 130.

22. Tyler Johnson of Pocatello stated he professionally analyzes documents and his findings identified several contradictory statements in the applicant's responses to Code 17.02.130.D.1, D.3 and throughout the application related to number of jobs/limited onsite staffing, short/long term conflicts, structure(s) compliant use, diverse economic base of a high value low impact use statement meets Code, and diversity with limited jobs. The time frame is also contradictory.

96. Theodore Pollack is neutral on this application. He is an engineer and the applicant is probing the city for weaknesses, which his applicant did, and it showed in the presentation and way he handled himself. To do this right, be smart and require a complete application, do not present this.

Those against:

3. Brenek Harrison of Pocatello stated this is a conditional use application that only considers the idea of the use for a data center, not actually building one. The city needs to make sure the people get their share and the Data Center Company pays their share of the infrastructure and building costs to develop this project. The AI Data Company is taking the risk that this may go away, and the city should not put money into this project for it to end up like HOKU, a mess, lost money, and zero benefit to the Pocatello community. The Citizens and city should not take on the costs to create and allow this business; the full cost should be on the AI Data Center Company. The water requirements being proposed needs to be understood by all and the City government entities and people of Pocatello should not pay for any part of this development.

23. Lee Eyarman of Pocatello noted that gas turbines are to be used that would double air pollution in Pocatello. Eyarman cited Idaho Code 63.3622VV, 63.3622KK caps tax value at \$400 million dollars, \$8 Billion dollars of value will not be on the Bannock County tax rolls. and this is a \$1.9 Billion dollar facility, that is minimal tax revenue benefit. The statutory floor is 30 people at this building, not the inflated 300 stated. Before moving forward, let's make sure we meet all three tiers of this test

24. Annie Mendoza is concerned with long-term affects on Pocatello. AI is unchecked and off the rails. Pocatello does not want a data center and does not want this CUP approved. It will not benefit Pocatello, it's a strain on natural resources, low jobs, waste water, road and construction, all pollutions, and economic value.

25. Rick Williams was concerned about the closed energy system and we need concise and specific information to make educated decision to allow this data center use request. The community should create a committee to speak with the Mayor and contribute.

26. Joshua Stalder of Pocatello appreciated the City's transparency and opportunity to speak in a public hearing. He is concerned about the company being from out of state. Tax breaks to the company will not benefit the City or State, just the company, there is not much revenue incentive. If the CUP is approved, this out-of-state company can flip the land and

the next owners may do whatever they want. There is no information to make an educated decision to approve the land use request.

28. Sabastin Ross spoke about a data center study on noise. He read sections of this noise study. He was concerned of long term hearing and cardio vascular disease for Pocatello residents.

29. Nathan Scoles of Pocatello was concerned this will be a loss with noise and air pollution. Further harm is layoffs of jobs with AI data centers, a risk not worth taking.

30. Sue Skinner of Pocatello support Linda Engle. Follow the money and make sure all funding is secured to avoid the HOKU experience. Pocatello has a geography issue that leads to winter inversion issues with our mountains. What will they do during power outage. Be aware of the noise and our wildlife and birds, the noise and birds do not mix, the special birds in this area means we need to make sure the noise is addressed effectively. Smart growth is needed, but secure bonding so Pocatello does not get screwed again.

31. Jim DeSanza of Pocatello emphasized this is democracy in action and continued to note that a closed water system is not really closed, the systems must be flushed to remove bacteria and corrosion. The best system is only 70% efficient.

32. Nancy DeSanza of Pocatello agreed that this is democracy in action. Idaho Power needs to complete their study before concrete data will be identified. Power increases significantly through the years. Leaking and seeping of data center chemicals is toxins into our water and the EPA 2024 stated there is no safe level of exposure of PFA's chemicals, given how toxic to humans, it is too dangerous to us.

33. John Elle of Pocatello stating this hearing is for approval or denial of the CUP only. The applicant did not provide the information needed to make a decision. The Idaho Power Company needs to complete their assessment study to get the numbers, and the gas assessment for the turbines, and then the CUP should have come once data analysis has been determined to protect our community.

34. Gabriel Wooten of Pocatello wants a job creation and land use are more compatible. The possible sale to another company is another concern and what they will do with the land, resources, and environment.

35. Max Maguin stated the company has no experience in building data centers, and the sale of the property once developed. Someone with data center knowledge should have been here for hearing.

36. Evan Brackett current resident stated that half the data centers being built are completed. The three-year center, data does not have an inherent value. He hopes the data center is completed, but what will happen, will promises made be made.

37. Geno Wight was concerned with the land and its potential and not waste the land on something that may not last long.

38. Tonya Cleave fails to comply with Code and focused on section 4, Power analysis. Pocatello should not approve an application that does not provide critical information and impact outcomes. This should not be approved.

39. Maxima Ore of Pocatello has an issue with companies that put revenue and profits over its people. He was concerned with poverty and Pocatello's future.

40. Sunni Millen was disturbed that this is a Tax Increment Financing District and they should not received local government funds when they do not return a tax base back to the community.

41. Lillian McCullough recently moved to Pocatello and her family deserve a clean environment and companies to instill fear into the community and children of the future.

42. Kami Burrup was concerned with environmental issues and no environmental studies or assessments have been done on this property. She was concerned with water and warmth and this CUP request has not provided answers adequately.

43. Evelyn Staton of Pocatello noted that closed loop data centers spike water use and affect the environment, and chemical processes and affects on climates.

44. Joyce Bybee addressed the Code matches the Comprehensive Plan (Comp Plan), and this CUP request does not meets the Comp Plan requirements. Bybee addressed the water, natural beauty, trails, and growth. Cancer is not desirable. Low employee count and no tax or revenue benefit. Lithium Iron batteries are the back up, not mentioned.

45. Alana Leonhardy was concerned with water use, pollutions, and lack of information in the application materials, it mentions promises only. This application should be approved, what happens with a power outage, how will the City be affected. Leaks and flushing the system is another issue not addressed. The examples staff read were tangible.

46. Mary McAleese of Pocatello noted the CUP does not fall within the Comp Plan. The gentlemen who spoke about City government is responsible.

47. Lindy Brian of Pocatello identified the activities she has done over the past 19 years has been in nature, and the CUP does not support the environment and nature. Promises of power and environment for the future has not been identified clearly and

48. Alex Jensen of Blackfoot, an IT professional for ISU addressed cyber attacks and this data center gets hacked. Out of staters are being expected to protect Pocatello, our people.

49. Scar Maxwell was concerned with natural resources and similar points discussed on pollution, water system, low jobs, no economic growth, low returns on revenues for the city.

50. Shayla Van Horn of Pocatello was concerned with public health, low economic benefits, pollutions, and water consumption in a drought area, and grid stability.

51. Trish Kerner of Pocatello stated the CUP applicant does not comply with the Comp Plan with values and goals, robust economics and jobs mentioned 150-300 jobs, but contradiction with minimal jobs, traffic and auto systems. Environmental values should be considered by Staff.

52. Derek Adams works in the tech industry, a data center produces low employment long term, uses a lot of natural resources, increase power rates to residents and costs surpass jobs with better pay. The future residents will be affected and won't be able to afford to heat their homes.

53. Mikita Martin stated that AI data centers use a lot of resources and are not beneficial for long term employment, tax revenue, or a benefit to Pocatello. Pocatello does not have Code for AI Data Centers and land use, and until Code is established with strict conditions and oversight, the use should not be allowed. City officials need to understand AI Data Centers before allowing a multi-building with external accessories to be built to your city increases cyber security issues, and its systems will need to be rebuilt every 10-20 years, will Pocatello resources handle the increase in resources and with population increase? We need data to answer these questions and concerns for future Pocatello residents.

54. Angle Fillare-Lewis was concerned that the noise and the ground-heat effects would ruin Pocatello and hurt its people. AI Data Centers bring long-term hardship and harms cities natural resources, the people, and short-term jobs that only last during construction.

55. Lindy Pomeroy is from a rural area in Idaho and an ISU alumni. Pomeroy has issues with data center water use. AI data centers do not benefit cities where they are currently located and active, or deactivated. Environmental damage done by data centers will ruin Pocatello and we need a company in this location that will provide long-term jobs that are needed in Pocatello, not a company that will sell out or only offer few jobs for long-term.

56. Rai Wilson, an ISU student, is representing students who are against noise, water usage, local natural resources, and effects on Pocatello. If Pocatello has the resources and are able to oversee the data center's usage and closely monitor its waste to the fullest extent to protect our land, wildlife and nature resources, then Pocatello should allow the use. Pocatello should not push a data center to an area that is not able to provide, monitor and protect its community.

57. Alina Jablonski is an outdoor recreation instructor. The River Park Complex, which is part of the River Vision project, would be affected by this business as is electricity and water use and increase rates. The natural trails, river, foliage, and wildlife will be damaged, hurt, and ruined for future Pocatello residents. A data center is not a good use for this location.

58. Mariah Bishop of Pocatello comes from an agriculture family and background. Water is necessary for farms and waste water and flushing into our local water system, this will affect animals and produce.

59. Stephanie Carr of Pocatello is a caretaker, and if power is increased, people become homeless because they cannot pay her owe bill. It's illegal to be homeless in Idaho. Disabled and elderly people on low income budget cannot afford future increases to their power. Water is another concern and low water pressure. A Data Center Use will cause an increase in homeless people who will not be able to afford their bills.

60. Stephen Adams of Pocatello stated the new leadership of Pocatello, and the Tribe should be considered with water rights and protecting the water from hazardous waste. The applicant's representative did not provide answers to more than half the questions; the information was missing from the application materials and the reason to deny the request.

61. Riley Sayer of Pocatello agreed with the previous points. What AI data center has produced a profit in any quarter? Data Centers do not produce revenue. Successful companies produce revenue and the amount of energy they use is not worth it being built in Pocatello, long-term jobs and revenue for our community is needed.

62. Amanda Lisle of Pocatello recently lost her job at On SemiConductor and stated that data centers do not provide jobs, and they damage the environment and water resources. This company has lied to us already in their application statements. The use should not be permitted, they are not concerned about Pocatello, nor do they understand what it takes to build a data center.

63. Jenifer Hartog of Pocatello noted that Sacajawea Park is 1.2 miles from the River Park Complex and will be affected by environmental impact, water use, and power use.

64. Daxton Matthews of Pocatello states people against this CUP application have proved that the applicant has not answered questions adequately and Pocatello will not benefit with this data center in the future if our environment is affected.

65. Jessica Hendricks was not impressed by the applicant's copy and paste function used to move information around the application sections. Hendricks has issues with all the pollutions, raspatory issues come from power system used for data centers. She listed numerous parks that may be affected and the health issues that will come

66. Jonathon VanDerHorn Discussed data he collected on data centers for Shannone Bannock Tribes' and the water rights they were promised rights to, and this property and project fall within the Idaho UNE, Shoshone Bannock Tribes' water shed of the Snake River. Any and all pollution created from this AI Data Center will bleed into their water. Along the lines of the Snake River basin, it also feeds into the Columbia River in Dells, Oregon another water sheds, this data center directly affects their water sources, and the Tribes should be contacted directly to discuss this affects their water source/shed. Data centers in Oregon are already utilizing their water source and using a quarter of the water, which affects their land, survival and drought situations.

67. Casper Appenay was taught to respect the water, air, land, and the water source starts on the reservation and circles back to the reservation, and he is very concerned about the water and how it's going to affect the Tribes water resources. Please contact the Tribes about their water rights, the Portneuf River starts on the Reservation and wraps back around to the Reservation. The Tribes' opinion should be considered with regard to this land use application that affects their water rights.

68. Judy Bronco is a retired nuclear security officer. Bronco stated that a data center is equal to a nuclear reactor. She says allowing a data center will affect seven generations and longer of Pocatello and neighboring communities. The 1868 Treaty under the Constitution, under Article 5, is a supreme law of the land, and the Tribes need to be consulted on it. Bronco stated that by Congressional Law, the Winter Doctrine 1908 are given 1.5 feet of water per acre for on-farm duty for agriculture.

69. Carson Cranor of Pocatello asked that Code be created that does identify specific uses for a data center. Cranor has the same concerns of resources, environment impacts, pollutions, cyber and criminal crimes as previously stated.

70. Kaya Clark stated she agrees with Carson Cranor and everything he said, as well as concerns with environmental impacts for long term.

71. Amber Marsh of Pocatello stated that the US is in a water bankruptcy crisis. Environmental impacts are global problems by data centers, pollutions, and resources in short and long term.

72. Owen Larson, a Pocatello High student, is concerned with gas run turbine's effect on nature, wildlife and Pocatello residents. No benefits for Pocatello residents.

73. Jackson Taylor was concerned with the nature trails and uses, an unfair trade for residents. Use the property for something that will benefit the residents, the community, and its environments.

74. Kaylie Brown noted that an Earth Observation Group of the University of Cambridge found that AI data centers can increase heat by up to 16 degrees in surrounding areas. Animals (including humans) that live in the area are affected by infrasound that causes nausea, vomiting, and long-term health risks. This can also be felt from hundreds of miles away. An animal's nervous system is also affected, they scared, nervous, and confused as well. Data Centers are needed, but it should be away from Cities, in the middle of nowhere, where people and animals are not affected.

75. Idaho Law was concerned with impact on natural resources.

76. Abrial Grey of Pocatello was concerned with AI data centers do not bring in long term jobs, and impacts power rate increases and environmental impacts. We need more information and a local business company not a out of state company not vested in Pocatello.

77. Nannie Constantinoff was concerned with trail damage, the animals and how seven buildings would affect current parks and nature trails. This land could be turned into housing, shelters, or a business that is more responsible to the community and the Tribal water rights. Low employment.

78. Niki Taysom was concerned with how this CUP will affect the environment, natural resources, and pollutions. She is concerned with public health and safety of residents and surrounding communities.

79. Cammy Martin, a conservationist INL worker states it takes a lot longer to clean up areas and an environmental impact study should be done to avoid long-term damage. She was concerned that City Creek trails be rerouted, waste water runoff inceptor be rerouted or recommissioned to handle the water water runoff. There is no data center definition in zoning code for this site, and she looked at Bannock County and could not find a definition or zoning either.

80. Leona Thompson is concerned with legacies on this trail and near this property would be affected as others stated previously. A recommendations could expand the greenway and create a native ecology park, and for revenue additional metal housing and community would create revenue.

81. Emilio Lyano discussed the HOKU project failure and commented that this company is making the same promises. We see the failure of AI and businesses are losing money. Our natural resources will be affected, all the pollutions noted that will affect residents, environments, and resources.

82. Hayden Dennis of Pocatello was concerned with losing the ecosystem by the River Park Complex if the data center is built, and how it will affect the environment.

83. Rebekah Shanahan is a scientist and environmentalist and commented on companies being focused on their own business. The city has spent a lot of time and money to clean up the river, and greenway park system. This data center is a domestic and environment concern for Pocatello.

84. Sweet Shannahan discussed heat load and heat dissipation, and construction contamination that affect the trail by the facility and that the city should focus on continued cleaning of the Portneuf River.

85. Lynn Hathaway of Pocatello was concerned with low employment and wants a business that will offer long-term jobs for residents.

86. Greg Engleman of Pocatello, a data engineer and consultant. The application materials was not informative, the risk is placed on residents, his broke down the components and stated the numbers are not accurate, they are looking at a house that can be flipped and discarded.

87. Rebecca Beuls of Chubbuck and Land Use Committee stated the applications lacks many things and revisit the resilient areas and goals 1 and 3, which are grounds for complete denial. She asked the applicant some questions and about the water system and resources, has the city charged them for administrative services up front. This business is not registered with the Idaho Secretary of State to do business in the State of Idaho. Future of revenue cannot be estimated for a data center.

88. Scott V. discussed previous comments on employment, pollution issues, environment and natural resources, and lighting.

89. Dustin Wood commented on the cooling system bill for data centers effective July 2026, and its restrictions on this exemptions and a condition needs to address this issue.

90. Crystal Sakizzie was concerned with resources for our community. Idaho is not exempt from the nation-wide water shortage.

91. Jeannie Hendrick of Pocatello does not feel this is a serious proposal, these people came and mumbled, they did not present this application adequately. The city leaders should consider this as a problem and not consider this company as serious.

92. Rebecca Wampler of Pocatello noted the contaminate and noise pollution will have health impacts on residents, wildlife, and natural resources.

93. Chloe Reed of Pocatello loves this community and Pocatello's culture. Cons of employment may be 100 employees, AI is self sustaining, so jobs will not be long lasting, the pollution issues that will impact our already ongoing issues.

94. Tracy King of Pocatello is against having a data center in Pocatello. She has concerns of noise, pollutants, and water draught issues, damage to the trails in the area due to the noise, she has sensitive hearing. Water contamination and reaching other communities, not just Pocatello, with the water system cycle.

95. Zack Jelke of Pocatello was impressed with residents' support opposing this application. The applicant was not prepared, nor did he present the project or Pocatello's interest professionally. The application was lacking and the applicant did not have answers to questions; there was no professional presentation addressing questions supporting their position. The representative should be embarrassed by his lack of knowledge and professionalism, and respect for the City of Pocatello, its leaders, and its residents.

97. Matt Stuckey, Customer Relations of Idaho Power clarified that they are neutral and provide power where the city approves. Studies are done, usage is determined and study costs provided of \$200,000.00 for both power studies.

Lewis asked Brent McLane of the City of Pocatello if this property is in a Tax Increment Financing (TIF) District, if the PDA would fund clean-up and power studies for this property with tax funds, and when closing the district that any remaining funds in the district would go back to the taxing entities. **McLane** stated yes.

Rebuttal:

Gus Shultz considers what he heard as valid points and much of what was said is true. He only knows what he is doing. The next step is getting the CUP to identify that it does qualify, the city can service it, the water can service it. Services are on site. LEX Development needs to verify power, and gas studies can be upgraded to accommodate their power and gas needs. The details will not become evident until the studies are completed in 6-8 months and then the design can be completed. The City of Pocatello will let LEX Development know if they can or can't approve the CUP to build the AI Data Center. The city may add restrictions or conditions if desired. If EPA studies need to be done to make a determination, they will do the studies.

With no more public comments, **Lewis** closed the public hearing at 9:58 PM and stated that the decision would be delivered to the Planning Department Services Department by 12:00 PM on Tuesday, May 19, 2026, and there would be a 14-day appeal period from the recorded decision date. The Pocatello City Council hears appeals.

Submitted by:


Aceline McCulla, Secretary

Dated: June 26, 2026

Appeal application

REC26-002

June 1, 2026

VIA EMAIL AND CERTIFIED MAIL

Pocatello City Council
Brent McLane, Pocatello City Planning Director
Konni Kendell, City Clerk
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Re: Appeal and Request for Reconsideration of Findings of Fact and Decision of Pocatello Hearing Examiner on Conditional Use Permit Application CUP26-003 submitted by Lex Developments and Gus Schultz (“Lex CUP Application”)

Dear Council, Mr. McLane, and Ms. Kendell,

This firm represents Applicants Lex Developments LLC and Gus Schultz (together, “Applicant”) in connection with the above-referenced matter to formally appeal the City’s determination to require the Lex CUP Application and the May 19, 2026 decision of the Pocatello Hearing Examiner denying the Lex CUP Application (together, “Decision”) for development of a data center in Pocatello’s heavy industrial zoning district at the former Hoku plant site, commonly known as 1800 River Park Way. A copy of the Decision is attached hereto as Exhibit A.

INTRODUCTION

We respectfully submit that the Decision should be reversed for at least three separate reasons, each of which independently supports reversal.

First, the City did not follow proper procedure from the outset, and it applied the wrong legal standard in requiring a CUP application. Applicant’s proposed data center should have been evaluated by the Planning Director under Section 17.01.160.C, governing “Unlisted Use; Authorization of Similar Use,” which requires a formal, specific finding based on specific and

limited criteria. The City did not do this, but instead required Applicant follow the Conditional Use Permit procedures set forth in Section 17.02.130. The initial question is not whether Applicant can satisfy the standards for a new CUP, but whether the proposed use would have been permitted in the heavy industrial zone had it been contemplated and whether such proposed use is compatible with or similar to the listed and permitted uses. It plainly is when the appropriate standards are applied – which they were not.

Moreover, the subject property already carries approved entitlements for a heavy industrial facility with infrastructure, utility, environmental, and operational parameters that well exceed anything the proposed data center would require. Those entitlements run with the land. There is therefore no basis to ignore the required 17.01.160.C determination and unilaterally impose a new CUP requirement on a use that fits squarely within the scope of what is already permitted and approved.

Second, even if a CUP were required, the Hearing Examiner's outright denial was arbitrary and capricious and not supported by a sufficiently reasoned statement. The City's own planning staff reviewed the Lex CUP Application and recommended approval with suggested modest conditions. A copy of the staff report is attached hereto Exhibit B. In denying the application, the Hearing Examiner departed from staff's conclusions based solely on Applicant's failure to submit comprehensive studies that are ordinarily required during the site development and building permit process, not at the CUP stage. Denying a CUP on the basis that studies not required had not yet been submitted improperly inverts the regulatory process and constitutes an abuse of discretion.

And third, the conclusion the Hearing Examiner reached—outright denial—is disproportionate and fundamentally unjust in these circumstances. State and City Code both expressly authorize the hearing body to approve a CUP with conditions, including conditions requiring future studies and analyses. But the correct approach (arguing in the alternative as a CUP is not even required here) is to approve the CUP conditioned on completion of those studies before *final approval*, not conditional approval. Denying an application entirely and forcing Applicant to expend likely hundreds of thousands of dollars on studies with no assurance of approval if conditions are satisfied, is not justified nor justifiable in this case.

For these reasons, the City Council should reverse the Hearing Examiner's denial and permit Applicant to proceed with lawful development of the subject property.

ARGUMENT

I. NO CONDITIONAL USE PERMIT IS REQUIRED.

A. Pocatello Code Section 17.01.160.C (“Unlisted Use; Authorization of Similar Use”) governs here, not the Conditional Use Permit procedures set forth in Section 17.02.130.

Pocatello City Code expressly anticipates the situation presented here and provides a specific mechanism for addressing it. The Code recognizes that not every conceivable use can be expressly identified within the zoning classifications and therefore establishes a process for determining whether an unlisted use is nevertheless compatible with, similar to, and properly allowed within a particular zoning district. Importantly, that process is not the Conditional Use Permit process set forth in Section 17.02.130.

Section 17.01.160.C provides that because “[i]t is not possible to contemplate all of the various uses that will be compatible within a zoning district,” the “purpose of [the section] is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.” P.C.C. § 17.01.160.C.

The Code then describes the process in a single sentence: “The *director shall render an interpretation*, as governed by section 17.02.180 of this title.” *Id.* (Emphasis added.) In other words, when a proposed use is not expressly listed, the Planning Director is solely tasked with determining whether the use would have been permitted had it been contemplated and whether it is sufficiently similar and compatible with the uses already allowed within the zoning district. That determination is a formal one, requiring reviewable findings based on specific and limited criteria, outlined below. Once the director renders that interpretation, the decision may be appealed directly to the City Council. *See* P.C.C. §§ 17.02.180.C.5; 17.02.300.

The Code requires four specific and limited criteria. “Approval or denial of an unlisted use application by the director shall be based on findings of whether:”

- a. The use is consistent with the intent and purpose of the applicable zoning district;
- b. The use is similar to and of the same general type as the uses listed in the zoning district;
- c. The use has similar impacts as the uses listed in the zoning district; and
- d. The use has similar impacts on the community facilities as the uses listed in the zoning district....

P.C.C. § 17.01.160.C.

That process was never followed here. Initially the director told the Applicant that no CUP was required. And, rather than rendering the interpretation required by Section 17.01.160.C and analyze the proposed use under the four mandatory and limited criteria, the director and the City simply stated that “City use classifications do not include data centers and the Planning Director as well as the Mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.” Ex. A, Decision at 1. But Section 17.01.160.C does not direct the City to require a CUP whenever a use is unlisted. It specifically directs the Planning Director to make a finding whether the proposed use is compatible with and sufficiently similar to uses

already permitted within the district according to the criteria provided. The City skipped that analysis entirely.

Instead, the City improperly required the Applicant to submit a CUP application under Section 17.02.130 to provide public input on this hot-button issue. That procedural error fundamentally altered the posture of the project and subjected the Applicant to an entirely different review framework than the one mandated by the City Code. The matter was then referred to the Hearing Examiner for adjudication of a CUP application that should never have been required in the first place.

Had the Planning Director performed the interpretation required by Section 17.01.160.C and applied the four criteria set forth therein, the only reasonable conclusion would have been that a data center fits comfortably within the Heavy Industrial zoning district. The City Code defines Heavy Industrial uses as including “[m]anufacturing, processing and assembling of semifinished or finished products from raw materials,” together with uses involving substantial infrastructure, outdoor equipment and storage, continuous industrial operations, and potentially significant utility and operational impacts. P.C.C. § 17.01.160.b.4.b.(2). The listed examples include energy production facilities, large-scale machinery manufacturing, concrete and asphalt production, metal processing, feed manufacturing, wood processing, etc. *Id.*

A modern data center is plainly of the same general industrial character and operational intensity as those uses. Data centers are large-scale industrial infrastructure facilities requiring extensive electrical systems, mechanical cooling equipment, backup generation, utility interconnection, and continuous operations. Like the expressly permitted heavy industrial uses, data centers are defined by substantial power consumption, significant infrastructure demands, industrial-scale building systems, and operational impacts requiring placement away from lower-intensity commercial or residential districts. *See generally*, Ex. B, 10–20, including cited sources.

If facilities such as its predecessor owner, Hoku, involving chemical processing, asphalt mixing, energy production, and large-scale manufacturing are contemplated within the Heavy Industrial zones, then a data center—which obviously operates with much fewer external impacts, significantly less noise, vibration, and traffic, and substantially fewer emissions than most expressly permitted heavy industrial uses—necessarily falls within the same general category of uses contemplated by the zone. *Id.*

Because the City failed to follow the process mandated by Section 17.01.160.C which would have avoided the CUP application altogether, the resulting CUP decision is legally defective from the outset. The Council should therefore reverse the Decision on this basis alone.

B. The prior CUP approved this property for heavy industrial use with full infrastructure authorization.

As discussed, the City followed the wrong procedure and failed to apply an obvious legal standard. But even apart from that procedural defect, a new CUP was unnecessary because the

property carries approved entitlements authorizing a substantially more intensive industrial use. And those entitlements run with the land. *See* P.C.C. § 17.02.130.I (“a conditional use permit granted pursuant to the provisions of this chapter shall continue for the approved use upon a change of property ownership”).

The subject property already holds approved entitlements for the formerly-planned Hoku plant, a heavy industrial solar polysilicon manufacturing facility—one of the most infrastructure-intensive and environmentally demanding industrial uses possible. In approving that prior use, the City necessarily determined that this particular property could support extraordinary electrical demand, industrial-scale utility infrastructure, water and wastewater impacts, significant and problematic environmental impacts, and serious public safety considerations. Those prior approvals necessarily included findings under the same criteria the Hearing Examiner later found lacking here: adequate public facilities and services (Criterion D4), no excessive environmental impacts (Criterion D6), and no detriment to public health, safety, or welfare (Criterion D7).

The City cannot reconcile those two positions. It cannot conclude that a 110-megawatt chemical manufacturing facility satisfies Section 17.02.130.D while simultaneously concluding that a data center (which involves no chemical manufacturing, no comparable industrial byproducts, just a fraction of the water use, substantially less wastewater, if at all, and materially fewer environmental impacts such as creation of toxic waste) fails those same standards. The prior entitlement approvals already resolved the very infrastructure, environmental, and compatibility questions the Hearing Examiner claimed remain unanswered.

Considering this, the Applicant would be wholly within its rights to simply build a facility identical to that of the planned Hoku plant rather than the significantly less intensive data center, and the City would not be able to prevent that from happening.

The codified purpose of a CUP further confirms why a second CUP proceeding was unnecessary in this case. The City Code explains that conditional uses require individualized review where “their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location.” P.C.C. 17.02.130.A. But that evaluation has already occurred here. The City previously approved a considerably more intensive heavy industrial operation on this very property in connection with the Hoku facility.

And, critically, the City has also separately evaluated and actively and vehemently supported comparable data-center infrastructure in connection with the FBI data center project located in the City several years ago—confirming that this type of use is neither novel nor unanticipated within the City’s industrial planning framework.

Accordingly, there is nothing speculative or unforeseeable about the impacts associated with Applicant’s proposal. Nor would additional CUP conditions meaningfully “enhance the compatibility” of the proposed use with surrounding properties, which is the stated purpose of

the CUP ordinance. *See* P.C.C. § 17.02.130.A (“Conditional uses are uses that are allowed within a zoning district provided that certain standards (or ‘conditions’) are met that will enhance the compatibility of the proposed use with other surrounding uses.”).

Finally, the Code’s “Parallel Use Consideration” provision also confirms that a new CUP should not have been required. Section 17.02.130.K allows a parallel use within the same use classification where the new use does not increase the general intensity of use or materially expand impacts. That is exactly the case here. The Applicant seeks to establish another industrial use on property already approved for a substantially more intensive heavy industrial operation. The proposed data center falls squarely within the scope, intensity, and infrastructure profile of the prior approval and should have been treated accordingly.

Because the property already carries heavy industrial entitlements for a far more intensive use, the City had no valid basis to require a new CUP for Applicant’s proposed data center. The Council should therefore reverse the Decision on this basis as well.

II. EVEN IF A CUP WERE REQUIRED, THE HEARING EXAMINER’S DENIAL WAS ARBITRARY, CAPRICIOUS, AND LEGALLY DEFICIENT.

Even assuming that the Applicant was properly subjected to the CUP process (which it wasn’t), the Hearing Examiner’s absolute denial cannot stand. The decision was arbitrary and capricious, unsupported by a sufficiently reasoned statement, and contrary to the record before the City. The Decision fails to adequately explain the standards applied, the contested facts relied upon, or the rationale connecting the evidence in the record to the denial, as required by applicable law.

In her quasi-judicial capacity, the Hearing Examiner is not free to simply deny a CUP application without articulating a reasoned factual basis for doing so.¹ Under Idaho Code § 67-6535(2), the Hearing Examiner’s written decision must “explain[] the criteria and standards considered relevant, state[] the relevant contested facts relied upon, and explain[] the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.” I.C. § 67-6535(2). Similar reasoning and explanation are required by Pocatello City Code 17.02.400.B.

The Idaho Supreme Court has unequivocally held that “[section] 67-6535 requires more than conclusory statements from which a decision-maker’s resolution of disputed facts and legal

¹ “[W]hen a governing body sits in a quasi-judicial capacity, it must confine its decision to the record produced at the public hearing, and ... failing to do so violates procedural due process of law.” *S Bar Ranch v. Elmore Cnty.*, 170 Idaho 282, 304, 510 P.3d 635, 657 (2022), *as amended* (June 14, 2022). Applicant notes that the Hearing Examiner openly admits that she did not confine herself to the record in this case: “The Hearing Examiner discloses that she visited the site to observe the physical character and relationships of the subject property and surrounding area and viewed the subject property on Google Maps.” Ex. A. at 2.

reasoning may be inferred.” *Veterans Park Neighborhood Ass’n, Inc. v. City of Boise*, 175 Idaho 194, 564 P.3d 350, 368 (2025), *reh’g denied* (Mar. 6, 2025). Further, a land use decision cannot be “(a) In violation of constitutional or statutory provisions; (b) In excess of the statutory authority of the agency; (c) Made upon unlawful procedure; or (d) Arbitrary, capricious, or an abuse of discretion.” I.C. § 67-5279. Nor can the denial of a CUP application harm an applicant’s substantial rights. *Veterans Park* 564 P.3d at 370.

Here, the City’s own planning staff conducted a detailed review of the Lex CUP Application under the seven criteria set forth in Pocatello City Code § 17.02.130.D and recommended approval subject to modest conditions, no doubt bearing in mind the history, factual record, zoning classification, and existing entitlements of the subject property. Staff concluded that the proposed data center satisfied the applicable CUP criteria and was appropriate for the Heavy Industrial zone. *See generally*, Ex. B.

The Hearing Examiner nevertheless rejected staff’s conclusions as to Criteria D4, D6, and D7 with nothing more than conclusory statements. Critically, the Hearing Examiner did not sufficiently explain the criteria and standards considered relevant, state the relevant contested facts relied upon, or explain the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. I.C. § 67-6535(2); P.C.C. 17.02.400.B. The Hearing Examiner failed to identify facts demonstrating that the proposed use would overburden public facilities, create unacceptable environmental impacts, or threaten public health and safety despite its heavy industrial zoning. Instead, the denial was based entirely on the asserted absence of comprehensive technical studies and engineering-level analyses that are ordinarily required later in the development process during final permitting, site plan review, utility review, and building permit approval—not at the CUP stage.

That distinction matters. A CUP proceeding evaluates *land use compatibility and general site suitability*; it is not intended to function as the final engineering review for every component of a proposed industrial development. The City’s own staff recognized this and recommended approval with conditions allowing subsequent technical review through the ordinary permitting process. The Hearing Examiner instead effectively required Applicant to complete substantial portions of downstream engineering and permitting review before obtaining even conditional land use approval.

That approach improperly inverts the City’s regulatory framework. If generalized uncertainty regarding future engineering details were enough to deny a CUP, then virtually no major industrial project could obtain preliminary land use approval before first completing the entire technical study and design process. That is neither how the City Code is structured nor how industrial development approvals ordinarily proceed either legally or practically.

The Hearing Examiner also failed to explain why the conditions recommended by staff were insufficient to address any remaining concerns. Rather than impose additional reasonable

conditions—which is the very purpose of the CUP process—the Hearing Examiner denied the application outright based on information the Code did not require Applicant to provide at this stage. In doing so, the Decision harmed Applicant’s substantial rights without a sufficiently reasoned basis grounded in the City Code or the record.

The aggregate result was an arbitrary and capricious abuse of discretion, untethered from the applicable approval criteria and unsupported by substantial evidence in the record. The procedural posture and substance of the Decision further suggest that the denial was driven less by the standards of the City Code and more by external political pressure surrounding the project. Rather than approve the application with reasonable conditions pending subsequent technical review, the Hearing Examiner denied it wholesale (ostensibly due solely to the fact that data centers are now the political hot button of the day and the hearing was days before a primary election) and has attempted to enforce the one-year waiting period before Applicant could even reapply.

That extraordinary step functionally operates as a moratorium on the project despite the absence of substantial evidence demonstrating that the proposed use is incompatible with the Heavy Industrial zone or incapable of satisfying applicable development standards. By denying the Applicant the ability to use the property for purposes for which it is already entitled, the Hearing Examiner has harmed the Applicant’s substantial rights. (Even just “[t]he failure to provide a reasoned statement that enables [a court] to engage in meaningful judicial review deprives a party of its substantial right to due process.” *Veterans Park* 564 P.3d at 370.).

The record in this case reflects an effort to delay or prevent the project from proceeding entirely by demanding engineering-level certainty at the earliest possible stage of the land use process, contrary to the structure and purpose of the City’s own regulatory process. Applicant therefore respectfully requests that, if a CUP is required for this project (Applicant maintains that it isn’t per Part I *supra*), the Council reverse the Hearing Examiner’s denial of the Lex CUP Application.

III. THE CITY’S REFUSAL TO CONDITIONALLY APPROVE THE LEX CUP APPLICATION IS FUNDAMENTALLY UNJUST.

The Hearing Examiner’s Decision was disproportionate and fundamentally unjust under the circumstances in this matter. Both Idaho law and the Pocatello City Code expressly contemplate conditional approval as the appropriate mechanism for addressing unresolved technical or site-specific issues during the CUP process. Idaho Code § 67-6512(d) authorizes local governments to impose “[c]onditions reasonably necessary to mitigate adverse impacts” in connection with conditional use approvals. Likewise, Pocatello City Code § 17.02.130 is expressly structured around the concept that potentially compatible uses may proceed subject to conditions tailored to address outstanding concerns.

The Hearing Examiner nevertheless adopted the most extreme possible outcome: full denial coupled with a one-year prohibition on refiling. That result is not equitable or just considering the Hearing Examiner's quasi-judicial role and Idaho's foundational principles of free use of land. The result is especially unreasonable (and completely unjustifiable) given this particular property, its zoning designation, history, and existing entitlements.

Major industrial projects routinely proceed through phased review processes in which land use compatibility is evaluated first, followed by progressively more detailed engineering and technical review. The CUP process is not intended to require applicants to incur the full cost of final engineering, utility design, environmental analysis, and construction-level studies before obtaining preliminary and conditional land use authorization. If appropriate and reasonable conditions cannot be met, the CUP process could result in failure to obtain *final approval*. Yet that is effectively what the Hearing Examiner required here.

The practical effect of the Decision is to force Applicant to spend potentially hundreds of thousands of dollars on additional technical studies and analyses with no assurance that the City will ultimately approve the project even if those studies satisfy every conceivable concern. What is worse, is that the Decision fails to provide any meaningful certainty as to what additional information would actually be sufficient – a year from now. The Hearing Examiner appears to have assembled a generalized list of potential studies and technical analyses unrelated to any clearly articulated approval standard, objective benchmark, or identified deficiency. The Decision therefore places Applicant in the impossible position of satisfying an undefined and potentially ever-expanding set of vague requirements before even obtaining conditional land use approval. That is not a reasonable or fair application of the CUP process, which amounts to the deprivation of Applicant's substantial right to due process. It is an indefinite moving target that effectively forecloses development through procedural exhaustion rather than through application of the standards actually set forth in the Code.

If the Hearing Examiner genuinely believed additional technical information was necessary, the appropriate course was straightforward. That is, approve the application subject to conditions requiring completion of those studies before commencement of construction or issuance of final permits. The complete denial instead transformed the CUP process into an open-ended and prohibitively expensive prerequisite regime far removed from the ordinary sequencing of land use and permitting review.

Under these circumstances, the denial was not merely erroneous, it was fundamentally unfair and inconsistent with the purpose and structure of Idaho's land use law.

CONCLUSION

The Hearing Examiner's denial of the Lex CUP Application is wrong as a matter of law and fact. A CUP was not required in the first place because the City failed to follow correct procedure and applied the wrong standards. The subject property already holds entitlements for heavy industrial use at a scale and intensity that encompasses the proposed data center.

Brent McLane, Pocatello City Planning Director
Konni Kendell, City Clerk
June 1, 2026
Page Ten

Even if a CUP was required, the application satisfied all seven criteria of Pocatello City Code section 17.02.130.D. And even if additional information is needed, the correct decision is approval with conditions, not full denial that imposes a one-year reapplication bar with no assurance of any future approval.

Applicant respectfully requests that this Council reverse the Decision and permit Applicant to proceed with lawful development. If the Council feels a CUP is required, Applicant requests that the Council approve the Lex CUP Application, with such reasonable conditions as the Council deems appropriate to address infrastructure coordination and study requirements.

We appreciate the Council's time and consideration of this matter.

Respectfully submitted,
PARSONS BEHLE & LATIMER

A handwritten signature in blue ink, appearing to read 'Jon A. Stenquist', is positioned above the printed name and title.

Jon A. Stenquist
Attorney at law

JAS

Enclosures

EXHIBIT A

AMENDED FINDINGS OF FACT AND DECISION

CITY OF POCA TELLO HEARING EXAMINER

HEARING HELD MAY 14, 2026

City Hall Council Chambers, 911 North 7th Avenue, Pocatello, Idaho

Instrument # 22605992
Bannock County Pocatello, Idaho
05/19/2026 03:18:55 PM No.
Recorded for: City of Pocatello
Reason: Dixon Fee: \$0.00
Deputy: J McDonald

APPLICANT: Gus Schultz
OWNER: Portneuf Capital, LLC
REQUEST: Conditional Use Permit for potential data center
LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853
GENERAL LOCATION: 1800 River Park Way
STAFF: Jennifer Flynn, Assistant Planner

REQUEST & BACKGROUND:

Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the Mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

Per code **17.01.160: USE CLASSIFICATIONS:**

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to public health, safety, and general welfare.

As noted in section C:

C. Unlisted Use; Authorization of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.

2. Process: The director shall render an interpretation, as governed by section [17.02.180](#) of this title.

3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:

- The use is consistent with the intent and purpose of the applicable zoning district;
- The use is similar to and of the same general type as the uses listed in the zoning district;
- The use has similar impacts as the uses listed in the zoning district; and

d. The use has similar impacts on the community facilities as the uses listed in the zoning district. Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations and water, sanitary sewer and storm drainage systems.

4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

Physical Characteristics of the Site: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

Notification: Notice was posted on the subject property and published in the Idaho State Journal on April 28, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit.

Hearing Examiner Authority to Grant: The Hearing Examiner may approve, approve with conditions, or deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

CONDITIONAL USE PERMITS (CUP): 17.02.130.A DEFINITION:

Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses.

DECISION & CONDITIONS:

Based on review of the application for the conditional use permit, analysis of the staff report, and the applicants' presentation received during the public hearing regarding this conditional use permit application, the Hearing Examiner **denies the conditional use permit**, finding the application does not meet the standards for approval under Chapter 17.02.130 D of Pocatello Municipal Code.

FINDINGS OF FACT:

1. The Hearing Examiner discloses that she visited the site to observe the physical character and relationships of the subject property and surrounding area and viewed the subject property on Google Maps. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing. The Hearing Examiner states that there is nothing personally or professionally that would not allow an impartial or unbiased decision.
2. City Staff received 95 written comments prior to the public hearing.
3. Over 120 written public comments were received by the time the public hearing closed and over 90 public comments were heard during the hearing.
4. A public hearing was held on Thursday, May 14, 2026, beginning at approximately 5:33 pm and closing at approximately 9:58 pm.

CRITERIA FOR REVIEW: The Hearing Examiner shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Conditional Use Permit Review Criteria Analysis

REVIEW CRITERIA (17.02.130.D):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.130.D1	Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.
			<i>Findings</i>	Yes, this land is zoned Industrial. According to 17.01.160.4.b.2: Heavy industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing. Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
			<i>Findings</i>	Future Land Use designates the subject property to be industrial for future use. Data centers are most similar to Heavy Industrial uses as described in 17.01.160.
☒	☐	☐	17.02.130.D3	Is compatible with existing and permitted land uses within the general area.
			<i>Findings</i>	This corridor is industrial and if a potential data center use is approved, would be compatible with other industrial uses.
☐	☒	☐	17.02.130.D4	Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
			<i>Findings</i>	The Hearing Examiner finds that the application does not adequately address that the project could be served by public facilities and services. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies

				should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.
☒	☐	☐	17.02.130.D5	Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
			Findings	Adjacent land uses are similar and fit within the industrial use classification. Landscape buffers will be required per City standards.
☐	☒	☐	17.02.130.D6	Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
			Findings	Based on the limited information provided, the Hearing Examiner finds that the question of environmental impacts has not been adequately addressed. The applicant has failed to provide sufficient information necessary for meaningful review. Studies including utility impact analyses, environmental assessments, infrastructure mitigation measures, and long-term operational impacts showing that this project meets local, state, and federal standards for emissions, power demands, water utilization, and wastewater discharge.
☐	☒	☐	17.02.130.D7	Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.
			Findings	The Hearing Examiner finds that the application does not adequately address that the project would not be detrimental to the public interests, health, safety, or welfare of the city. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.

APPLICANT NOTICE:

Notice is hereby given that this decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 14 days of this recorded decision.

RESPECTFULLY SUBMITTED this 19th day of May 2026.



Kathleen Lewis, City of Pocatello Hearing Examiner

STATE OF IDAHO)

ss:

County of Bannock)

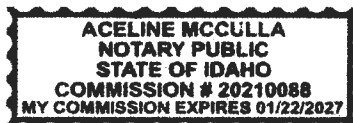
On this 19th day of May 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Hearing Examiner Kathleen Lewis on behalf of the City of Pocatello, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that she executed the same.

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



Aceline McCulla
Notary Public for Idaho
Residing at Pocatello, Idaho

Seal



FINDINGS OF FACT AND DECISION
CITY OF POCATELLO HEARING EXAMINER
HEARING HELD MAY 14, 2026
911 NORTH 7th AVENUE, POCATELLO, IDAHO

Instrument # 22605957
Bannock County, Pocatello, Idaho
05/18/2026 03:11:06 PM No.
Recorded for: CITY OF POCATELLO
Jason C. Dixon Fee: \$0.00
Deputy: aleavitt

APPLICANT: Gus Schultz

OWNER: Portneuf Capital, LLC

REQUEST: Conditional Use Permit for potential data center

LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853

GENERAL LOCATION: 1800 River Park Way

STAFF: Jennifer Flynn, Assistant Planner

REQUEST & BACKGROUND:

Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the Mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

Per code **17.01.160: USE CLASSIFICATIONS:**

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to public health, safety, and general welfare.

As noted in section C:

C. Unlisted Use; Authorization of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.
2. Process: The director shall render an interpretation, as governed by section [17.02.180](#) of this title.
3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:
 - a. The use is consistent with the intent and purpose of the applicable zoning district;
 - b. The use is similar to and of the same general type as the uses listed in the zoning district;
 - c. The use has similar impacts as the uses listed in the zoning district; and
 - d. The use has similar impacts on the community facilities as the uses listed in the zoning district. Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations and water, sanitary sewer and storm drainage systems.
4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

PHYSICAL CHARACTERISTICS OF THE SITE: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

NOTIFICATION: Notice was posted on the subject property and published in the Idaho State Journal on April 28, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit.

HEARING EXAMINER AUTHORITY TO GRANT: The Hearing Examiner may approve, approve with conditions, or deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

CONDITIONAL USE PERMITS (CUP): 17.02.130.A DEFINITION:

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DECISION & CONDITIONS:

Based on review of the application for the conditional use permit, analysis of the staff report, and the applicants' presentation received during the public hearing regarding this conditional use permit application, the Hearing Examiner **denies the conditional use permit**, finding the application does not meet the standards for approval under Chapter 17.02.130 D of Pocatello Municipal Code.

FINDINGS OF FACT:

1. The Hearing Examiner discloses that she visited the site to observe the physical character and relationships of the subject property and surrounding area and viewed the subject property on Google Maps. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing. The Hearing Examiner states that there is nothing personally or professionally that would not allow an impartial or unbiased decision.
2. City Staff received 95 written comments prior to the public hearing.
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				Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
			<i>Findings</i>	Future Land Use designates the subject property to be industrial for future use. Data centers are most similar to Heavy Industrial uses as described in 17.01.160.
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			<i>Findings</i>	This corridor is industrial and if a potential data center use is approved, would be compatible with other industrial uses.
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			<i>Findings</i>	The Hearing Examiner finds that the application does not adequately address that the project could be served by public facilities and services. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.
☒	☐	☐	17.02.130.D5	Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
			<i>Findings</i>	Adjacent land uses are similar and fit within the industrial use classification. Landscape buffers will be required per City standards.
☒	☐	☐	17.02.130.D6	Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
			<i>Findings</i>	Based on the limited information provided, the Hearing Examiner finds that the question of environmental impacts has not been adequately addressed. The applicant has failed to provide sufficient information necessary for meaningful review. Studies including utility impact analyses, environmental assessments, infrastructure mitigation measures, and long-term operational impacts showing that this project meets local, state, and federal standards for emissions, power demands, water utilization, and wastewater discharge.
☒	☐	☐	17.02.130.D7	Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.
			<i>Findings</i>	The Hearing Examiner finds that the application does not adequately address that the project would not be detrimental to the public interests, health, safety, or welfare of the city. The applicant should conduct studies/impact analysis for power, water and wastewater capacity, air quality analysis prior to submitting another application. These studies should include at a minimum: wastewater discharge quantities; identification of pretreatment systems if needed; potential chemical discharge; water demand calculations; long term electrical infrastructure requirements and environmental impacts related to emissions, water utilization and wastewater discharge.

APPLICANT NOTICE:

Notice is hereby given that this decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 14 days of this recorded decision.

RESPECTFULLY SUBMITTED this 18th day of May 2026.



Kathleen Lewis, City of Pocatello Hearing Examiner

STATE OF IDAHO)

ss:

County of Bannock)

On this 18th day of May 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Hearing Examiner Kathleen Lewis on behalf of the City of Pocatello, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that she executed the same.

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



Aceline McCulla
Notary Public for Idaho
Residing in Pocatello, Idaho

Seal

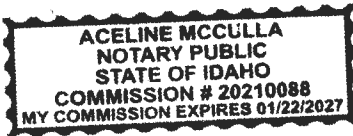


EXHIBIT B

MEETING AGENDA

CITY OF POCATELLO

HEARING EXAMINER

MAY 14, 2026 | 5:30 PM

POCATELLO CITY HALL | COUNCIL CHAMBERS | 911 NORTH 7TH AVENUE

In accordance with the Americans with Disabilities Act, it is the policy of the City of Pocatello to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require an accommodation, please contact Skyler Beebe with two (2) business days' advance notice at 208.234.6248, sbeebe@pocatello.gov or 5815 South 5th Avenue, Pocatello, Idaho. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The Hearing Examiner is a citizen advisory group to the City Council. The Hearing Examiner is charged with making decisions for conditional use permit and variance applications. All Hearing Examiner meetings are recorded for record retention and transcription.

The following is the official agenda of the Hearing Examiner meeting. Discussion and action will be limited to those items on the agenda. Any citizen who wishes to address the Hearing Examiner shall first be recognized by the Hearing Examiner, and shall give his/her name for the record. If a citizen wishes to read documentation of any sort to the Hearing Examiner, he/she shall first seek permission from them. Oral testimony may be restricted to no more than 3 minutes per person.

1. DISCLOSURES.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

2. ACTION ITEM: PUBLIC HEARING: CONDITIONAL USE PERMIT (CUP) – FILE CUP26-003.

This time has been set aside for the Hearing Examiner to hear comments from the public regarding a CUP request by Gus Schultz. The subject property, known as 1800 River Park Way (PARCEL NO. RPPGW000100 AND RPCPP044853, entails 59 acres (more or less) and is zoned of Industrial (I) with a Future Land Use designation of Industrial (I). The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and city staff have determined that the proposed use requires a CUP application. (Quasi-Judicial Public Hearing)

**HEARING EXAMINER
HEARING: MAY 14, 2026
STAFF REPORT**

FILE: CUP26-003

APPLICANT: Gus Schultz
OWNER: Portneuf Capital, LLC
REQUEST: Conditional Use Permit for potential data center
LEGAL DESCRIPTION: RPPGW000100 and RPCPP044853
GENERAL LOCATION: 1800 River Park Way
STAFF: Jennifer Flynn, Assistant Planner

SUMMARY & CONDITIONS:

In consideration of the application, staff concludes that the proposed use is **compliant** with Pocatello City Code Section 17.02.130.D. A full analysis is detailed within this staff report.

Staff recommend the following conditions that are outlined in code for this type of use:

1. All applicable standards of the City of Pocatello Municipal Code not herein listed and applicable shall apply;
2. Any activity requiring a separate development or building permit shall comply with applicable regulations;
3. The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any site improvements that may be required; and
4. Idaho Power's impact analysis for power generation and construction be provided to the City once complete.

OPTIONAL MOTIONS:

1. Approval of the Application: "Move to recommend **approval** of the Conditional Use Permit application from Gus Schultz to authorize a l data center for RPPGW000100 and RPCPP044853, finding the application meets the standards for approval under section 17.02.130.D of Pocatello City Code.

2. Denial of the Application: "Move to recommend **denial** of the Conditional Use Permit application from Gus Schultz, finding the application **does not** meet the standards for approval under section 17.02.130.D of Pocatello City Code (**state reason for denial**).

GENERAL BACKGROUND:

Request: Gus Schultz is requesting permission to develop land for a data center on the subject property, known as 1800 River Park Way, entailing two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial. The request is to allow a potential data center to be built on these parcels. City use classifications do not include data centers and the Planning Director as well as the mayor have determined that the proposed use requires a CUP in accordance with 17.01.160.C.

Per code 17.01.160: USE CLASSIFICATIONS:

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to public health, safety, and general welfare.

As noted in section C:

C. Unlisted Use; Authorization of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining

whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.

2. Process: The director shall render an interpretation, as governed by section [17.02.180](#) of this title.

3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:

- a. The use is consistent with the intent and purpose of the applicable zoning district;
- b. The use is similar to and of the same general type as the uses listed in the zoning district;
- c. The use has similar impacts as the uses listed in the zoning district; and
- d. The use has similar impacts on the community facilities as the uses listed in the zoning district.

Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations and water, sanitary sewer and storm drainage systems.

4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

Physical Characteristics of the Site: 1800 River Park Way, entails two parcels encompassing ~59 acres and is zoned Industrial (I) with a Future Land Use Map designation of Industrial.

Notification: Notice was posted on the subject property and published in the Idaho State Journal on April 28, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit. No written comments were received from the public prior to the publishing of this staff report.

Hearing Examiner Authority to Grant: The Hearing Examiner may approve, approve with conditions, or deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

ATTACHMENTS:

- A. Application Documents

CRITERIA FOR REVIEW: The Hearing Examiner shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Conditional Use Permit Review Criteria Analysis

REVIEW CRITERIA (17.02.130.D):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.130.D1	Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.
			<i>Staff Review</i>	Yes, this land is zoned Industrial. According to 17.01.160.4.b.2: Heavy industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors

				with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing. Data centers are an unlisted use in the zoning ordinance. In accordance with 17.01.160.C the Planning Director and the Mayor have determined a CUP is required.
			<i>Applicant Response</i>	The proposed data center use complies with the applicable provisions of Pocatello City Code through the framework established in Section 17.01.160 for authorization of unlisted uses. While “data center” is not explicitly identified as a permitted or conditional use within the zoning ordinance, the proposed use meets all required approval standards for similar uses. Specifically, the proposed development is consistent with the intent and purpose of the applicable zoning district, which is to accommodate employment-generating, infrastructure-supported commercial and industrial activities. The data center is functionally similar to permitted uses such as warehouse, light industrial, and utility-related facilities in that it operates within an enclosed structure, has limited on-site staffing, and generates minimal external impacts. The operational characteristics- including low traffic generation, controlled access, and reliance on existing utility infrastructure- are consistent with or less intensive than those of permitted uses. Additionally, the project’s infrastructure demands can be adequately supported by existing and planned public facilities. As such, the proposed use satisfies all criteria for approval as an unlisted use under Section 17.01.160.
☒	☐	☐	17.02.130.D2	Is consistent with the goals and policies of the comprehensive plan of the city.
			<i>Staff Review</i>	Future Land Use designates the subject property to be industrial for future use. Data centers are most similar to Heavy Industrial uses as described in 17.01.160.
			<i>Applicant Response</i>	The proposed data center is consistent with the goals and policies of the City of Pocatello Comprehensive Plan, particularly those related to economic development, land use efficiency, and infrastructure utilization. The project represents a significant investment in technology infrastructure and contributes to the diversification of the local economic base by introducing a high-value, low-impact employment use. Data centers are widely recognized as essential infrastructure supporting modern commerce, communications, and digital services. The proposed location within an established commercial/industrial area aligns with the Comprehensive Plan’s intent to concentrate

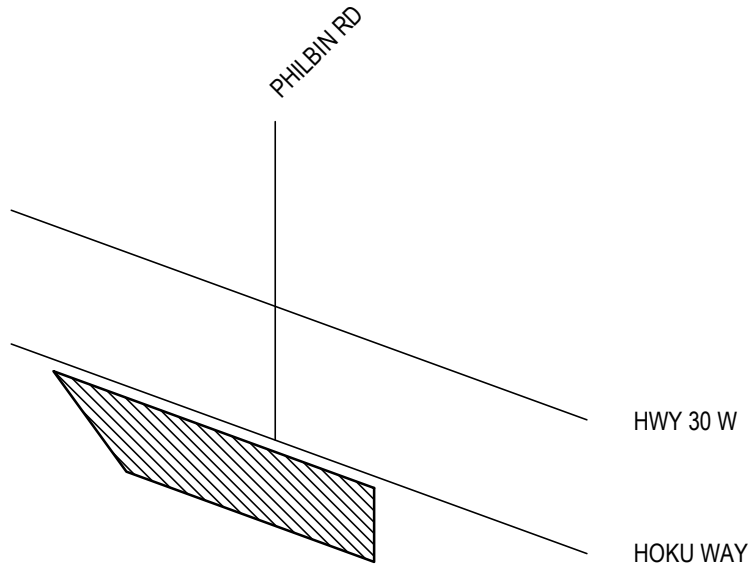
				employment-generating uses in appropriate districts where infrastructure capacity exists. The project promotes efficient use of land and utilities while minimizing conflicts with residential or sensitive land uses.
☒	☐	☐	17.02.130.D3	Is compatible with existing and permitted land uses within the general area.
			<i>Staff Review</i>	This corridor is industrial and if a potential data center use is approved, would be compatible with other industrial uses.
			<i>Applicant Response</i>	The proposed data center is compatible with existing and permitted land uses within the surrounding area. The River Park Complex is characterized by a mix of commercial, industrial, and service-oriented uses, many of which involve similar building forms, operational characteristics, and infrastructure needs. The data center will operate entirely within an enclosed building, with limited employee presence and minimal customer or public access. Compared to many permitted uses in the area, such as retail, distribution, or manufacturing, the data center generates significantly less traffic, noise, and activity. Because of its low-intensity operational profile and industrial/commercial nature, the proposed use is consistent with and compatible with surrounding land uses and will not introduce conflicts within the area.
☒	☐	☐	17.02.130.D4	Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
			<i>Staff Review</i>	Public and private utilities have been notified about this potential development. Needed quantities of water and sewer disposal have not been provided. Once design and calculations have been drafted, this development would need to meet standards and conditions set by Water and Sewer. Officials with the City's Water Pollution Control submitted the following: How much wastewater will be discharged? A ballpark number in gallons. Will any pretreatment be required? Will there be any chemicals being discharged? The City's primary wastewater interceptor line runs alongside/through this property. Full 24/7 access must be provided as well as direct access to all of the manholes connected to the interceptor. The Fire department commented that a secondary access will be required. Applicant is working with Idaho Power and Intermountain Gas to determine a plan to provide power. Up to 100 megawatts of power will be needed to run the data center which will not be available immediately. Idaho Power has commented that 100 megawatts is comparable to the amount of power utilized by the entire city of Pocatello in one year. In the interim, power will be supplemented by gas turbines.
			<i>Applicant Response</i>	The proposed data center can be adequately served by existing public facilities and services, including transportation infrastructure, utilities, and emergency services.

				Traffic generation associated with the use is minimal, consisting primarily of periodic employee access and occasional service or maintenance visits. This is substantially lower than many permitted commercial or industrial uses and will not place undue demand on the surrounding roadway network. The site is located within an area already served by necessary infrastructure, including water, sewer, storm drainage, and electrical systems. The project will be engineered to meet all applicable utility and service requirements, ensuring reliable and efficient operation. Police and fire services can adequately serve the site, and the facility will incorporate modern safety and security systems. Overall, the proposed use will not overburden public facilities and will operate within the capacity of existing infrastructure.
☒	☐	☐	17.02.130.D5	Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
			<i>Staff Review</i>	Adjacent land uses are similar and fit within the industrial use classification. Landscape buffers will be required per City standards.
			<i>Applicant Response</i>	The proposed data center will be harmonious in scale, mass, coverage, density, and intensity with adjacent permitted land uses. The building design will be consistent with typical commercial and industrial structures in the area, such as warehouses and similar large-format buildings. While the structure may have a comparable footprint, its operational intensity is significantly lower due to limited staffing and reduced activity levels. The project will incorporate appropriate site planning, setbacks, and design considerations to ensure compatibility with neighboring properties. Overall, the development will fit cohesively within the existing built environment without creating visual or operational conflicts.
☒	☐	☐	17.02.130.D6	Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
			<i>Staff Review</i>	Based on the limited information provided, environmental impacts will be limited as technology advances. City will defer to utilities and other agencies to address environmental impacts; some concerns that will need to be fully addressed meeting local, state, and federal standards are emissions, power demands, water utilization, and wastewater discharge.
			<i>Applicant Response</i>	The proposed data center will be harmonious in scale, mass, coverage, density, and intensity with adjacent permitted land uses. The building design will be consistent with typical commercial and industrial structures in the area, such as warehouses and similar large-format buildings. While the structure may have a comparable footprint, its operational intensity is significantly lower due to limited staffing and reduced activity levels. The project will incorporate appropriate site planning, setbacks, and design considerations to ensure compatibility with neighboring properties. Overall, the development will fit cohesively within the

				existing built environment without creating visual or operational conflicts.
☒	☐	☐	17.02.130.D7	Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.
			<i>Staff Review</i>	Impact to public interests is being considered. Based on technological advances, water use will be minimized. The greatest public impact appears to be power usage. Data to support these claims shall be provided by applicant prior to permits being issued.
			<i>Applicant Response</i>	The proposed data center will not be detrimental to the public interest, health, safety, or welfare in its proposed location, size, design, or operating characteristics. The facility represents a low-impact, secure, and professionally managed use that contributes positively to the local economy while placing minimal demands on public infrastructure. Its operational characteristics- low traffic, limited noise, and controlled access- reduce the potential for adverse impacts on the surrounding community. Additionally, the project supports broader economic and technological development goals by providing critical digital infrastructure. The proposed use aligns with the City's interest in promoting responsible growth and sustainable land use patterns.



VICINITY MAP



PROJECT INFORMATION

APN: RPRPCPP04853
ADDRESS: PHILBIN ROAD AND HOKU WAY
POCATELLO, IDAHO 83201
ZONING: (I) INDUSTRIAL
LOT SIZE: 59.75 ACRES
LOT COVERAGE: --
BUILDING COVERAGE: --
REQUIRED BUILDING SETBACKS
STREET: --
SIDE: --
SIDE: --
REAR: --
PROVIDED BUILDING SETBACKS
STREET: --
SIDE (EAST): --
SIDE (WEST): --
REAR: --
BUILDING HEIGHT: --
REQUIRED PARKING: --
PARKING PROVIDED: --

3/19/2026 3:10:40 PM - PLOT DATE

26009

POCATELLO AI
DATA CENTER

PROJECT TEAM

ARCHITECT
EDIFICE
922 N GILBERT RD,
SUITE 103
MESA, AZ 85203
T 480.590.1116
CONTACT: DANE ASTLE

DESCRIPTION DATE

PROGRESS SET
03.19.2026

ARCHITECTURAL
SITE PLAN

A011

OWNER'S NAME
PHILBIN ROAD AND HOKU WAY
POCATELLO, IDAHO 83201

922 N GILBERT RD, SUITE 103
MESA, AZ 85203
T 480.590.1116

AFFIDAVIT OF LEGAL INTEREST

I, Chad D. Hansen (on behalf of Portneuf Capital, LLC) reside at 225 E. Lemon Street
in the City of Lakeland, in the State of Florida, being first duly sworn upon Oath, depose and say: I
am the owner of record of the property described as:
1800 River Park Way

and I grant permission to: Gus Schultz/Lex Developments LLC, who resides at _____
in the City of _____, in the State of _____, to submit the following application(s) and
represent the owner pertaining to the property (check all that apply):

- | | |
|---|--|
| ☐ Preliminary Plat | ☐ Variance |
| ☐ Final Plat | ☒ Conditional Use Permit |
| ☐ Short Plat | ☐ Zone Map Amendment |
| ☐ Planned Unit Development | ☐ Comprehensive Plan Map Amendment |
| ☐ Annexation | ☐ Other: _____ |

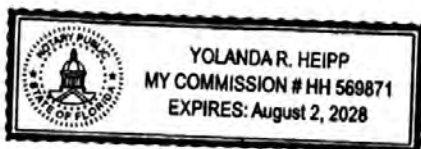
I agree to indemnify, defend and hold the City of Pocatello and its employees harmless from any claims to liability
resulting from any dispute as to the statements contained herein or as to the ownership of the property, which is the
subject of the application.

Property owner signature:  , MANAGER

STATE OF FLORIDA)
~~Idaho~~)
County of POLK)
~~Sanook~~)

Dated this 17th day of April, 2026, the property owner CHAD HANSEN (MANAGER) has
SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)



Yolanda R. Heipp
NOTARY PUBLIC FOR ~~IDaho~~ FLORIDA
Residing at: Lakeland, FL
Commission Expires: _____

Sources for IV West AI Data Center Project

City of Pocatello | Conditional Use Permit Meeting | April 2026

All claims verified against primary 2025–2026 sources.

Core 2026 Industry Benchmarks

• **2026 Data Center Knowledge Base** (March 31, 2026) – JLL, Cushman & Wakefield, FERC, Enverus. Rack densities (50–140 kW AI), PUE targets (1.05–1.10 liquid-cooled), water usage (3–5M gal/day evaporative vs. near-zero closed-loop).

Specific Company & Technology Examples (2025–2026)

- **Oracle AI Data Centers** (Feb 9, 2026) – Direct-to-chip closed-loop non-evaporative systems. Ongoing community water use effectively zero.
- **Microsoft Azure** – Sealed chip-level liquid cooling (2025 deployments). >125 million liters saved per facility annually; 80% WUE improvement; new builds zero-water.
- **ZutaCore HyperCool** – Two-phase direct-to-chip achieving PUE 1.05–1.07 (OCP white paper, 2025–2026).

Pocatello Local Non-Potable Water Sources (Key Advantage)

- **Pocatello Water Pollution Control Facility (WPCF)** – Treats ~7.5 MGD average (design 12 MGD). High-quality treated effluent approved by Idaho DEQ for non-potable industrial reuse, including cooling.
- **J.R. Simplot Don Plant (Pocatello area)** – Major phosphate facility. Active wastewater treatment, recovery, and reuse program under 2023 EPA settlement. Large volumes available for beneficial industrial reuse.
- **Regional Potato Processing Wastewater** – Simplot's Caldwell plant treats 2.3 MGD with MBR technology. Idaho National Laboratory (INL) research supports potato wastewater treatment for industrial applications. Similar streams near Pocatello available.
- **Idaho DEQ Reuse Guidelines + EPA Water Reuse Action Plan 2.0** (April 2026) – Prioritize reclaimed water for data center cooling.

Pocatello Climate & Free Cooling Data

- **US Climate Data / NOAA** – Pocatello, ID (1991–2020 normals). Oct–May free cooling feasibility (5,000–7,000+ hours/year via dry coolers). Industry standard for cold-climate sites.

Additional Regulatory & Market Context

- FERC Large-Load Reports (2026) • 12+ state hybrid/dry cooling mandates • Hyperscaler RFPs (AWS, Microsoft, Google, Meta 2025–2026) • JLL/Cushman 2026 Benchmarks • World Economic Forum (Nov 2025) – up to 91% water / 50% energy reduction with liquid cooling • IBM/Cray historical records (1960s liquid cooling in HPC).
-

AI Data Center

Pocatello, Idaho

Conditional Use Permit – Public Meeting Presentation

Modern AI Cooling

How it works
& why it's required

Water Stewardship

Reduced potable
water impact

Regulatory Protection

How Pocatello &
the treatment plant
are protected

Community Benefit

Jobs, tax base,
responsible growth

The Challenge: Modern AI Chips Run Much Hotter Than Old Computers

Think of it like upgrading from a single light bulb to a stadium spotlight — the heat produced is in a completely different league.

Traditional Data Center

10–20 kilowatts per rack

- Think: hair dryers running simultaneously
- Regular air conditioning handles it fine
- Like cooling a busy office building
- Standard fans and vents work well

5–10×
more

Modern AI Data Center

50–140+ kilowatts per rack

- Think: industrial furnaces in a small space
- Air conditioning physically cannot keep up
- Liquid cooling is now required — no choice
- Like cooling a jet engine, not a bedroom

Why Air Conditioning Alone Can't Handle Modern AI — 3 Simple Reasons

1

Extreme Heat — Like Fitting a Forge in Your Living Room

Modern AI chips produce 700–1,000+ watts each. One rack of 72 chips can reach 140,000 watts (140 kW). Blowing air over that heat is like trying to cool a campfire with a fan — physically inadequate.

2

Performance Throttling — A \$3M Computer Slows Itself Down

If AI chips overheat, they automatically slow down to protect themselves. This wastes the enormous investment in the hardware. Liquid cooling keeps temperatures optimal so the equipment works as designed.

3

Energy Waste — Air Cooling Wastes 20–30% More Electricity

"PUE" (Power Usage Effectiveness) measures how efficiently a data center uses electricity. Air-cooled AI often wastes 50%+ in overhead. Liquid cooling achieves 5–10% overhead — a major efficiency gain for the community grid.

Bottom line: Liquid cooling is not a luxury — it is an engineering requirement for modern AI infrastructure.

Energy Efficiency & Pocatello's Cold Climate Advantage

What Is PUE (Power Usage Effectiveness)? (Like MPG for Data Centers)

PUE = 1.0 Perfect (impossible in practice)

PUE = 1.05–1.10 World-class (liquid AI cooling)

PUE = 1.2 Excellent

PUE = 1.5–1.6 Industry average (older facilities)

PUE = 2.0+ Poor — wastes more power than it uses for computing

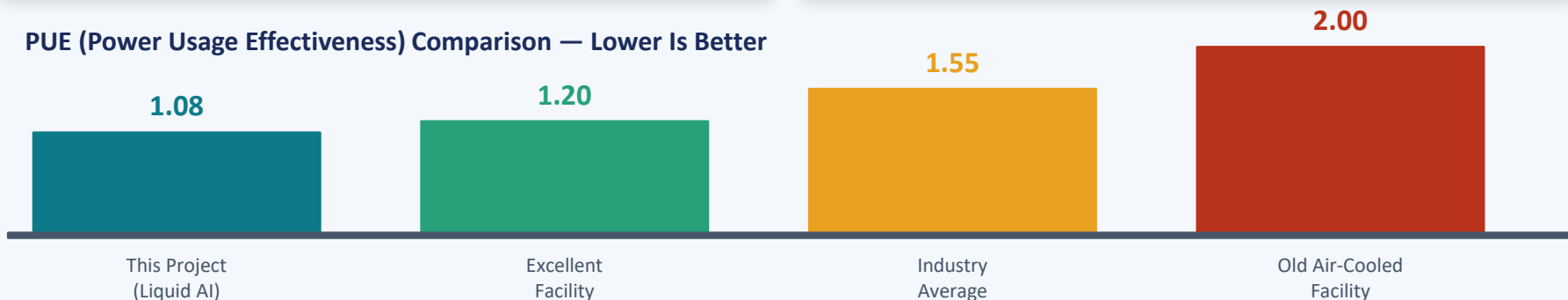
Pocatello's Built-In Climate Advantage

Winter Outdoor Air Utilization (Oct – May):

Pocatello's cold winters allow outdoor air to assist in cooling the data center for ~5,000–7,000 hours per year, significantly reducing the need for electricity-powered mechanical cooling. December through February provides near-continuous natural cooling assist.

What this means: Lower electricity bills, less strain on the local power grid, and reduced environmental impact.

PUE (Power Usage Effectiveness) Comparison — Lower Is Better



Note: A PUE of 1.08 represents the project goal based on the planned liquid cooling design. Actual PUE will vary depending on final system configuration, load levels, and operating conditions. This figure is a target estimate, not a performance guarantee.

Source: Industry PUE benchmarks (Network World 2026, Hanwha Data Centers 2025)

Water Use: What Changed and What It Means for Pocatello

OLD Method: Evaporative Cooling

3–5 million gallons per day
(peaks of 8 million on hot days)

How it works: Like a swamp cooler — water evaporates to remove heat, and that water is gone forever.

Problem: Massive, continuous drain on the local water supply. Risky in drought conditions.

→
**80–
95%
Redu
ction**

NEW Method: Closed-Loop Liquid Cooling

Near-zero ongoing potable water use

How it works: Like the coolant in your car's engine — the same liquid circulates continuously and is never consumed. Water goes in once at construction; that's it. The system is sealed and self-contained.

Key advantage: Because no water evaporates, the facility's ongoing potable water demand for cooling is dramatically reduced compared to traditional methods.

Historical context: Closed-loop liquid cooling has been used safely in high-performance computing since the 1960s (IBM mainframes, Cray supercomputers). Mass adoption by Amazon, Microsoft, Google, and Meta accelerated from 2022 onward as AI workloads required it.

This Is the 2026 Industry Standard — Not Experimental Technology

The world's largest technology companies have already adopted exactly this approach. Pocatello would be joining proven, responsible infrastructure.

Oracle

Zero Ongoing Potable Water

Oracle published in February 2026 that its new AI data centers — including facilities in New Mexico, Michigan, Texas, and Wisconsin — deploy closed-loop, non-evaporative cooling. Once filled at construction, the system circulates indefinitely. Ongoing community water use for cooling is effectively zero.

Microsoft

125 Million Liters Saved Per Facility Per Year

Microsoft's December 2024 announcement confirmed that all new data center designs from August 2024 use closed-loop liquid cooling with zero water evaporation. Pilot facilities launching in Phoenix, AZ and Mt. Pleasant, WI in 2026. Water savings: 125M+ liters/facility/year versus prior designs.

EPA Water Reuse Action Plan 2.0 (April 2026)

Federal Government Prioritizes This Approach

The U.S. Environmental Protection Agency's WRAP 2.0 specifically identifies reclaimed (treated wastewater) water for data center cooling as a priority use. Pocatello's WPCF effluent reuse aligns directly with this federal framework.

Next, we'll look at exactly how these companies handle any wastewater from their systems — and how this technology compares to other industries already operating under the same rules.

How the World's Largest Tech Companies Handle Closed-Loop Wastewater

These are not experimental approaches — they are the documented, operating practices of companies already running this technology at scale.

Oracle

Oracle, Feb 2026 (oracle.com/news)

One-Time Fill — Zero Ongoing Discharge

Oracle's AI data centers are filled with coolant once during construction. The sealed loop circulates indefinitely. There is no ongoing wastewater output during normal operation — the water never leaves the system.

Microsoft

Microsoft Local (local.microsoft.com), 2026

Glycol Hauled by Licensed Contractor — Other Water Returned to Utility

Where propylene glycol is used, Microsoft collects and hauls it to a licensed disposal facility when removed. All other cooling water is returned to the local utility for treatment identical to household wastewater. Reclaimed water and rainwater are used as input sources where available.

Amazon Web Services (AWS)

Florida Water & Pollution Control Operators Assoc., citing AWS 2023

Treated Municipal Wastewater In — Returned to Treatment Plant After Use

AWS in Virginia cools data centers with treated municipal wastewater instead of potable (drinking) water. After use, that water goes back to the treatment plant to be cleaned and reused again — a fully circular loop. AWS plans to expand this to 120+ facilities by 2030, saving an estimated 530 million gallons of fresh water per year.

Google

ProChem Water, Jan 2026

Recycled Municipal Wastewater — Purpose-Built Reuse Infrastructure

Google's data center in Douglas County, Georgia uses recycled municipal wastewater for all cooling. New Google campuses are now designed from day one with water reuse infrastructure built in.

Microsoft / City of Quincy, WA

U.S. EPA Water Reuse Case Study (epa.gov/waterreuse), July 2025

EPA-Documented Closed-Loop Brine Management — 138 Million Gallons Saved Per Year

The most detailed public case study available. Microsoft and the City of Quincy built a joint industrial wastewater treatment system. Mineral-rich brine is concentrated in lined evaporation ponds and solidified — nothing discharges to the city's sewer or waterways during operation. Permitted by the Washington State Dept. of Ecology.

This Technology Is Not New — It's Used Across Dozens of Industries

The same closed-loop chemicals, the same disposal methods, and the same federal pretreatment rules have governed these industries for decades.

Hospitals & Healthcare Facilities

Same chemicals: Propylene glycol (chosen specifically because it is safer around potable water systems than ethylene glycol), nitrite corrosion inhibitors, biocides
Disposal: Glycol collected by licensed reclamation services for reuse or certified disposal. Water-only loops discharged to sewer after lab testing under pretreatment permits.

Pharmaceutical Manufacturing Plants

Same chemicals: Same corrosion inhibitors, pH buffers, and biocides used in process cooling loops throughout production facilities
Disposal: Full federal pretreatment program (Clean Water Act). On-site pretreatment or licensed hauler. Same Industrial User Permit framework as this data center would operate under.

Iron, Steel & Heavy Manufacturing

Same chemicals: Large-scale cooling water systems with corrosion inhibitors and biocides — the original industrial use case for these chemicals, dating to the mid-1900s
Disposal: Pretreatment agreements with municipal treatment plants. On-site treatment trains for high-concentration streams. The federal pretreatment program was designed for these facilities first.

Universities, Arenas & Large Campuses

Same chemicals: Nitrite, molybdate, glycol — identical formulation to data center closed loops — used in chilled water and hot water HVAC systems
Disposal: Industrial User Permits with the local POTW (wastewater treatment plant). Lab testing required before any sewer discharge. Glycol hauled by licensed contractor.

Food & Beverage Processing Facilities

Same chemicals: Closed-loop cooling systems with the same nitrite/molybdate/glycol chemical profile used to cool process equipment
Disposal: On-site pretreatment required before sewer or land discharge. Subject to the same sewer surcharge and pretreatment rules under the Clean Water Act.

Commercial HVAC (Office Buildings, Hotels, Convention Centers)

Same chemicals: Nitrite, molybdate, glycol — standard industry formulations used in every large commercial building in cold climates, including all across Southeast Idaho
Disposal: Water-only loops discharged to sanitary sewer after lab testing. Glycol-containing water collected and hauled by licensed waste contractor. Identical to the data center protocol.

The Economic Case: What a 200 MW AI Data Center Means for Pocatello

Construction Investment

Total shell & core investment: ~\$2.26 billion

At \$11.3M per MW — JLL 2026 Global Data Center Outlook

Peak construction workers: 140–400 local tradespeople

0.7–2.0 workers per MW during 18–36 month build phase

Construction wages: 30%+ above standard rates

Electricians on data center sites earning \$120,000–\$150,000 (ConstructConnect 2025)

Note: Technology fit-out (servers, racks) is additional investment beyond shell & core

What Stays in Pocatello

Shell & site work (local scope): ~\$472M (20.9% of total)

Foundations, concrete, structural steel, paving, site work

Est. locally sourced materials: ~\$94M

Approx. 20% of shell scope: concrete, aggregate, gravel, paving (Red Hills Strategies / Consumer Energy Alliance, 2025)

Local install labor (MEP): ~\$822M

Even nationally-sourced equipment requires local electricians, plumbers, and HVAC tradespeople for installation

Local subcontract opportunities: Civil, concrete, electrical install, site work, security, ongoing maintenance

Property Taxes — 100% Stay Local

Bannock County combined levy rate: ~1.2% of assessed value

Covers all 5 local taxing districts (Satterfield Realty / Bannock County, 2025)

Tax split (approximate): School Dist. #25 ~30% · City of Pocatello ~26% · Bannock County ~26% · Roads & Ambulance ~18%

Zero goes to state or federal: All property taxes stay in Bannock County

Idaho State Tax Commission: all property tax is spent by local governments

Benchmark — Loudoun County, VA: \$0.04 in city services per \$1 of data center tax revenue vs. \$0.25 for traditional businesses

Wye Economic Development Council, March 2025

Ongoing Operations

Permanent local jobs: ~150–300+ (scales with facility size)

U.S. Chamber of Commerce Technology Engagement Center benchmark

Annual local wages: \$7.8M+ annually

Operations, maintenance, security, facilities management

Annual local economic activity: \$32.5M+ per year

U.S. Chamber of Commerce / ConstructConnect

Ongoing contracts: Maintenance, security, landscaping, utilities — available to local firms long-term

All figures are estimates based on current industry benchmarks and available data. Actual construction investment, job numbers, wages, tax revenue, and local spend will vary based on final project scope, contractor selections, market conditions, and Bannock County Assessor valuations. These figures are not a guarantee of performance or outcome.

Complete Summary: What the City and Public Can Count On



Liquid cooling is an engineering requirement — not a preference. Modern AI racks at 50–140+ kilowatts (kW) cannot be air-cooled.



Oracle, Microsoft, AWS, and Google all operate closed-loop systems with verified wastewater protocols — documented and publicly confirmed.



Dozens of industries — hospitals, pharmaceutical plants, food processors, steel mills, commercial buildings — have used these same cooling chemicals and disposal methods for decades under the same federal rules.



The federal pretreatment program (Clean Water Act) was specifically designed to handle exactly this type of industrial cooling system and has done so successfully for decades.



The economic figures in this presentation — including construction investment, local job numbers, wages, and tax revenue projections — are estimates based on current industry benchmarks. Actual numbers will vary based on final project scope, contractor selections, market conditions, and Bannock County Assessor valuations. These figures are not a guarantee.



Pocatello's cold winters are estimated to allow outdoor air to assist in cooling for approximately 5,000–7,000 hours per year, potentially reducing the need for mechanical cooling. These figures are estimates based on current climate data and are not a guarantee of performance.