

VIA EMAIL

Councilor Hunter Williams, Council District 2
710 20th Street North, City Hall – 3rd Floor
Birmingham, AL 35203
hunter.williams@birminghamal.gov

Dear Councilor Williams,

Data centers are an increasingly prominent part of our digital economy, and they can provide valuable benefits. But these facilities can also significantly impair residents' quality of life, harm their health, and severely harm the environment. Fortunately, thoughtful planning and zoning changes can reduce these negative impacts and help ensure that new data centers are built in appropriate locations and with the necessary safeguards. It is imperative that decisions involving these types of facilities have scrupulous oversight and public transparency.

We commend the City and the City Council for taking a proactive approach to data center development. Responsible growth is key to a thriving city and thriving communities, and by empowering the City's Planning Staff to create an ordinance that balances community and environmental protections with economic considerations, the City is demonstrating its leadership in this space. Additionally, we commend the City for taking community voices into account when drafting this ordinance. Community determination is critical to responsible growth and development.

That is why we urge you to keep the Planning & Zoning Commission's recommendation to require a special exception for hyperscale data centers in mixed use and light industrial districts. This provision is not "anti-growth"—it is a key protection for residents and the City. Special uses are considered to have a potentially greater impact on neighboring properties or the public than uses permitted by right, so a public review process and a decision by a local governmental body is required before they may be built. Even with the conditions outlined in the proposed ordinance, a public participation process adds value by incorporating community voices into decisions made about development in light industrial and mixed use areas, which are generally closer to sensitive uses like residential and commercial.

This provision empowers neighborhood associations and communities to have a voice when a data center development comes to their neighborhood. It democratizes the process, allowing the City to weigh the views of their constituents when making decisions about resource

intensive development. Additionally, because of the lack of state or federal regulations around data center development, there is very little opportunity for public involvement at any other level. As one judge in Virginia puts it, “[p]ublic participation in the data center discussion on a local level is especially critical, given that this is an industry still in its adolescence, with virtually no state-wide regulations.”¹

The City of Birmingham has seen this in action—after engaging with residents throughout the process of developing the forthcoming data center ordinance, city leaders learned and listened. Residents added value to the process by informing city leaders about their concerns, and recommended ways to mitigate the negative impacts associated with data centers. This is how the democratic process should work—residents share their opinions, city leaders listen, and those same leaders formulate policy solutions to address those concerns. We ask that you not remove the special exception requirement from the data center ordinance. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ryan Anderson". The signature is written in a cursive, flowing style.

Ryan Anderson
Staff Attorney, Birmingham Office
Southern Environmental Law Center

¹ Henri Gendreau v. Mike McEvoy, Va. Cir., CL25-2187 (2025).