



A data center wants to build in my community – advocating for environmental protections

If you have a data center proposed for your city or county, you may be wondering what steps have to be followed and how you can advocate in ways to protect the environment. As we have been engaged in various projects across the state, we have noticed several activities as the projects advance. Although there are variations between counties and cities, the following descriptions provide an overview of the processes.

Throughout the process

Throughout all stages, stay engaged with other members of the community, hold meetings, write letter to the editor, speak out during public comment periods during the city county or board of supervisors meetings. Even if the data center is not on the agenda, you can speak about data center issues during the public comment period. Become acquainted with the head of the city or county planning department; that person will be able to describe the steps, provide schedules of the next steps, and provide materials about the project which are available for public viewing through the State of Iowa's open records law.

Moratorium - If your community or county does not have an ordinance in place to cover the permitting and siting of a data center, the officials may pursue a moratorium for a number of months, while they write the ordinance. During this time, engage with the planning department, mayor and council, and members of the planning and zoning commission. Write letters, phone them, and meet with them in person.

Data Center Ordinance Approval at Planning and Zoning Commission - Once the wording is in a draft form, an ordinance will be presented to the Planning and Zoning Commission. The Commission should hold a public comment session before the members approve the ordinance. If your county does not have county-level zoning, then the ordinance will be sent directly to the Board of Supervisors.

Supervisors or Council approves a data center ordinance – Once the Planning and Zoning Commission approves an ordinance, the next step is for the Supervisors or City Council to approve the ordinance. There will be an opportunity for public comment, as part of public hearing, before the ordinance is considered. There will be up to three readings of the ordinance. You may have only one public hearing, but you can still talk about the issue during public comment periods.

Annexation Request before Planning and Zoning - If the developer of the data center wants, they can request that the land be annexed into the city. The city council will be required to approve or disapprove annexation requests. Iowa law sets out the annexation process, which can be quite complex. Stay in touch with the city's planning department to understand the next steps.

Data Center Project request to rezone sent to Planning and Zoning Commission - Once the data center is ready to actually pursue the project and obtain the permits to build, it may need a request to rezone the property. That will be presented to the Planning and Zoning Commission in the form of request to rezone. The Commission should hold a public comment session before the members approve it. If your county does not have county-level zoning, then the request will be sent directly to the Board of Supervisors. If the land area is already zoned to allow a data center, then this step is by-passed.

Data Center Project request to rezone sent to Supervisors or Council – Once the Planning and Zoning Commission approves a request to rezone, the next step is for the Supervisors or City Council to approve the request. There will be an opportunity for public comment, as part of public hearing, before the rezoning request is considered. There will be up to three readings of the request. You may have only one public hearing, but you can still talk about the issue during public comment periods.

Board of Adjustment – In some ordinances, a data center is a conditional use. When that is the case, the Planning and Zoning Commission will first review the request. They should have an opportunity for public comment. We have found situations where the Planning and Zoning Commission is by-passed if the request is going to be reviewed by the Board of Adjustment.

When a conditional use request comes before the Board of Adjustment, the proceedings are almost like court proceedings. The data center developer will appear before the Board and present evidence. The decision by the Board of Adjustment must be in writing. The next step in the process is for the losing party to appeal to district court.

The Board of Supervisors will not be called on for any approval of a conditional use.

Hearing for Tax-increment-financing (TIF) – Some data center developers will ask the city or county for subsidies to help them finance their project. That subsidy, or gift, will be in the form of a tax-increment-financing agreement. A public hearing must be held by the city or county before the subsidy is granted.

Sometimes, a data center will enter into a community benefit agreement with a community that grants it tax-increment-financing. Generally, that agreement will grant the city or county a sum of money (generally less than the subsidy they were given for TIF). The community benefit agreement may specify how the money is to be spent.

Additional permits – the Planning Department will have information about additional permits that the data center will need for construction and operation.

Department of Natural Resources – water use permit – One of the permits that data centers most likely will need is a permit for water withdrawal from the Department of Natural Resources. If water is being withdrawn from a surface river or an aquifer, the DNR will review the permit. You can request that the DNR hold an in-person public comment period before the permit is issued.



A data center under construction in Cedar Rapids, Iowa. Photo by Pam Mackey Taylor

For additional information - see our website at www.sierraclub.org/iowa/data-centers