

## **County Authority to Regulate Industrial Solar and Battery Storage**

Missouri statutes give counties clear authority to regulate industrial-scale solar and battery-storage projects, even without zoning. And this authority matters even more here because only six contracted landowners — covering 1,767 acres — are driving a project that will directly impact dozens of neighboring landowners and thousands of county residents. Property rights apply to all citizens, not just the six who signed leases.

**1. Public-Health Authority — RSMo §192.300.** Missouri law allows county commissions to adopt ordinances to protect public health and prevent dangerous conditions. Battery-storage facilities present fire and toxic-smoke hazards. Solar farms alter stormwater, drainage, and groundwater. These are public-health issues, and counties have full authority to regulate them. Solar and battery facilities are not agricultural operations, so the agricultural exemption does not apply.

**2. County Police Powers — RSMo §49.650.** Counties may adopt ordinances for nuisance abatement, stormwater control, environmental protection, emergency management, and road and infrastructure protection. Industrial solar projects create noise, glare, runoff, road damage, and fire-response burdens. All fall under §49.650. No zoning is required. This authority exists to protect the many landowners who did not sign leases — not just the few who did.

**3. Road-Use Authority — RSMo Chapters 229 & 231.** Counties control haul routes, weight limits, road-damage bonds, and access permits. Solar developers are not public utilities and have no special road rights. They must comply with county road rules like any private company. This is critical because construction traffic will affect every resident who uses these roads, not just the six participating landowners.

**4. Emergency-Management Authority — RSMo Chapter 44.** Counties may require fire-response plans, battery-hazard mitigation, emergency access roads, and coordination with fire districts. Battery-storage systems create unique emergency-response risks that affect the entire community, not just the project footprint.

**5. Subdivision Authority — RSMo §64.580.** Even without zoning, counties may regulate land subdivision, plats, and development conditions. Solar projects often require re-platting and easements, which counties may oversee.

**6. Zoning Can Be Put Before Voters — RSMo §§64.510–64.690.** If the Commission believes zoning is necessary, Missouri law provides the remedy: place zoning on the ballot. Choosing not to regulate is a policy choice — not a legal limitation.

Missouri law gives Randolph County multiple independent authorities to regulate industrial solar and battery-storage development. The idea that “we can’t tell a landowner what to do” is simply not supported by statute. And with only six contracted landowners driving a project that will surround and impact numerous neighboring families and thousands of county citizens, it is essential that the Commission use the authority it already has.

I respectfully request that this Commission begin drafting a Public-Health and Safety Solar Ordinance under RSMo §192.300, RSMo §49.650, RSMo Chapters 229 & 231, and RSMo Chapter 44. These laws exist to protect all landowners — not just the few who signed solar leases.

Thank you for your time,

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