

**ORDER AND ORDINANCE OF COUNTY COMMISSION OF CEDAR COUNTY,
MISSOURI**

**AN ORDER AND ORDINANCE ENACTING A TEMPORARY MORATORIUM ON
SOLAR ENERGY SYSTEMS, WIND ENERGY CONVERSION SYSTEMS, BATTERY
ENERGY STORAGE SYSTEMS, AND DATA CENTERS WITHIN CEDAR COUNTY,
MISSOURI FOR PURPOSES OF DUE DILIGENCE**

WHEREAS, § 49.650, RSMo., authorizes a county to adopt ordinances and resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution or laws of Missouri regarding nuisance abatement and storm water control, excluding agricultural and horticultural property, the promotion of economic development for job creation purposes, and for emergency management when the safety and welfare of the inhabitants of the county are jeopardized; and

WHEREAS, recent advances have led to a rapid increase in the development of data centers, solar energy systems, wind energy conversion systems, and battery energy storage systems across Missouri and the rest of the country; and

WHEREAS, the County Commission acknowledges that there is considerable interest and concern on the part of residents of Cedar County, Missouri related to the possible development of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers within the unincorporated territory of Cedar County, Missouri; and

WHEREAS, the County Commission desires to study the potential impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers on local infrastructure, specifically regarding the quantities of energy and water such facilities may consume, to ensure that such development does not negatively impact the availability or reliability of utilities for existing users; and

WHEREAS, the County Commission finds that data centers may consume substantial electricity, which requires further investigation and coordination with local electrical utilities to evaluate grid stability and to identify any potential risks of localized power availability and potential disruptions to critical residential, medical, and climate control systems; and

WHEREAS, because data centers may utilize continuous cooling systems and emergency backup generators, the County Commission requires time to assess the potential light and ambient noise impacts of these facilities, as well as potential public health impacts arising from noise and from air emissions generated by backup generators, and to determine what specific community light and noise standards or setbacks may be necessary to preserve public health and the quiet enjoyment of adjacent properties; and

WHEREAS, the construction of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers introduces substantial impervious surface acreage, and the County Commission seeks to investigate how such development alters localized drainage patterns and storm water runoff in order to determine the appropriate scope of

management controls necessary to prevent erosion, downstream flooding, or public health hazards related to water quality; and

WHEREAS, the County Commission intends to evaluate whether and to what extent the unique operational characteristics of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, including without limitation noise, utility strain, and storm water runoff, could impact adjacent property or the surrounding area's economic viability, so that any future regulations will appropriately safeguard the local tax base, protect property rights, and promote stable economic development pursuant to § 49.650, RSMo.; and

WHEREAS, the County Commission recognizes the need to collaborate with local emergency management and first responders to evaluate potential safety hazards unique to Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Center operations and to determine what emergency response planning and coordination should be required prior to construction; and

WHEREAS, § 192.300, RSMo., authorizes a county to make and promulgate orders, ordinances, rules or regulations as will tend to enhance the public health and the prevention of infectious, contagious, communicable, or dangerous diseases; and

WHEREAS, the County Commission desires to study the potential impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers on the public health and the impact said facilities and systems may have within Cedar County, Missouri, to ensure that such development does not negatively impact the public health of the residents of Cedar County, now or in the future; and

WHEREAS, the County Commission recognizes that Chapter 100, RSMo., authorizes counties to issue industrial development revenue bonds and to enter into related agreements, including payment-in-lieu-of-tax arrangements, as a tool for promoting economic development, and the County Commission desires during the moratorium period to study and evaluate whether, and on what terms and conditions, such incentives may be appropriate in connection with the development of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers so as to safeguard the local tax base while promoting stable economic development; and

WHEREAS, the County Commission further finds that an important purpose of the temporary moratorium is to allow the County Commission to undertake reasonable and necessary due diligence concerning proposed development, including to provide the County, the public, and any affected owner or developer with sufficient time to identify, review, discuss, and work through the issues presented by such development in an orderly, transparent, and informed manner; and

WHEREAS, during the moratorium period, the County Commission is available and willing to meet with residents, affected property owners, developers, utility providers, consultants, and other stakeholders, to receive and review additional information and proposals,

to evaluate available legislative and regulatory options, to negotiate and evaluate proposed development-related agreements or other contractual arrangements, and to consider whether appropriate safeguards may be established through duly adopted regulations, negotiated agreements, or a combination thereof; and

WHEREAS, Missouri Governor Mike Kehoe has issued Executive Order 26-02 requiring various state agencies to submit to the governor's office a report detailing the impacts of data centers, with such report due by November 30, 2026, and that such report may materially impact the findings of the County Commission of Cedar County with respect to data centers, and the County Commission desires to have the benefit of such report before finalizing permanent regulations; and

WHEREAS, following completion of its study during the moratorium period, the County Commission may recommend such lawful regulatory measures as may be authorized under Missouri law to address the impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, which measures may or may not require submission to and approval by the voters of the county; and

WHEREAS, the County Commission of Cedar County concludes that a temporary moratorium on the construction and operation of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers is necessary to provide the County with the reasonable time required to investigate, study, and develop a comprehensive, evidence-based legislative framework that protects public health and safety, safeguards the local tax base, protects property rights, and promotes stable economic development as authorized pursuant to state law, including but not limited to § 49.650, RSMo., and § 192.300, RSMo.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSION OF CEDAR COUNTY, MISSOURI, AS FOLLOWS:

1. Incorporation of Recitals. The WHEREAS clauses set forth above are incorporated herein as the findings of the Cedar County Commission as if fully set forth herein.

2. Moratorium. The County Commission of Cedar County, Missouri, hereby enacts and establishes a moratorium on the construction, establishment, operation, or expansion of any Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, including the issuance of any permits related thereto, with said moratorium to run from the date of passage for a period of twelve (12) months from the date of adoption of this Order and Ordinance ("Order"). The moratorium established by this Order shall automatically terminate at the expiration of the moratorium period established herein unless the County Commission terminates this moratorium at an earlier date or extends the moratorium for one additional period not to exceed six (6) months by further order of the County Commission, adopted at a duly noticed public meeting and supported by written findings, if the County Commission determines that comprehensive regulations or other appropriate measures cannot be adopted and finalized on or before the expiration of the moratorium period or that additional time is otherwise necessary. During the moratorium period, the County Commission shall research the

nature and extent of local impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, evaluate potential methods of regulation suitable to minimize such impacts, and engage with elected officials, residents, stakeholders, and legal counsel to determine the type and extent of regulation permissible under Missouri law and advisable for Cedar County following the moratorium period. Without limitation, the County Commission may during the moratorium period meet with members of the public and any interested owner or developer, receive and review studies, plans, reports, and other information, evaluate legislative and regulatory options, negotiate and evaluate proposed agreements or other contractual arrangements relating to the development or operation of any such facility, evaluate and consider requests for economic development incentives and financing tools that may be available in connection with such development, including without limitation industrial development revenue bonds authorized under Chapter 100, RSMo., and consider whether appropriate safeguards may be achieved through regulatory means, contractual commitments, or a combination of both. Any construction, establishment, or expansion of a Solar Energy System, Wind Energy Conversion System, Battery Energy Storage System, or Data Center in violation of this moratorium shall be subject to enforcement action by the County, including but not limited to injunctive relief, cease-and-desist orders, recovery of the County's costs and reasonable attorneys' fees incurred in enforcement, and any other remedies available at law or in equity. This moratorium shall not apply to any Solar Energy System, Wind Energy Conversion System, Battery Energy Storage System, or Data Center which is currently in existence as of the date of adoption of this Order or for which the owner or developer has physically commenced on-site construction activities, including but not limited to foundation work, vertical construction, or installation of permanent infrastructure, beyond site grading or preparation prior to the date of adoption of this Order. For the avoidance of doubt, site grading or site preparation alone shall not constitute commencement of construction for purposes of this exemption.

3. Definitions. For the purposes of this Order and Ordinance, the following terms shall apply:

- a. **"Data Center"** shall mean a building, group of buildings, or facility (i) of 2,500 square feet or more, or (ii) with an aggregate information technology power capacity of 250 kilowatts or more, whose primary use is data processing or data storage, and is used to house computer systems, servers, and associated components, such as, but not limited to, facilities housing central processing units, graphical processing units, quantum computing hardware, quantum processors, memory, data routing equipment, or data storage equipment, or facilities used for data warehousing, server farm, cryptocurrency mining or processing, virtual server hosting, artificial intelligence training or processing, image processing, cloud computing, email servicing, telecommunications hotel or colocation services, or associated infrastructure characterized by total peak power capacity exceeding 250 kilowatts, specialized industrial cooling systems, and/or significant noise-generating components, including any future technology or use that is substantially similar in operational characteristics to the foregoing, particularly

with respect to high-density energy consumption, specialized industrial cooling requirements, or significant noise generation. "Data Center" shall not include: (i) any server room, network closet, or similar installation that (a) occupies no more than 2,500 square feet, (b) consumes less than 250 kilowatts of power, and (c) is co-located on a business premises and used on-site solely to support the internal operations of such business; or (ii) shall not include any such building, group of buildings, or facility that was existing or for which construction had commenced prior to the effective date of this Ordinance, as further set forth in Section 2 hereof.

- b. **"Wind Energy Conversion System"** shall mean all necessary facilities that together convert wind energy into electricity and that deliver electricity to a utility's transmission lines, including, but not limited to the rotor, nacelle, generator, wind energy conversion system tower, electrical components, wind energy conversion system foundation, transformer, electrical cabling from the wind energy conversion system tower to the substation or switchyard, communication facilities, transmission lines, poles, or towers, operations and maintenance building, and other appurtenances related to a wind energy conversion system. For purposes of this Ordinance, "Wind Energy Conversion System" shall not include any currently existing wind energy conversion system located within the unincorporated territory of the County and shall not apply to small-scale components co-located on a premise and meant to be used to generate electricity for use on site by the owner of the property.
- c. **"Battery Energy Storage System"** shall mean a system or facility that uses one or more batteries or other electrochemical devices, together with associated electrical, thermal, safety, control, communications, conversion, and monitoring equipment, for the collection, storage, management, conversion, and discharge of electrical energy for later use, grid support, peak shaving, backup power, load shifting, renewable energy integration, or other lawful energy-related purposes, including, but not limited to battery cells, modules, racks, containers, enclosures, inverters, converters, transformers, switchgear, substations, cabling, thermal management systems, fire suppression systems, ventilation systems, emergency shutdown equipment, fencing, security equipment, operations and maintenance structures, and other appurtenances related to a battery energy storage system. For purposes of this Ordinance, "Battery Energy Storage System" shall not include any currently existing Battery Energy Storage System located within the unincorporated territory of the County and shall not apply to components with a total rated capacity of 25 kilowatts or less co-located on a premise and intended to be used to store or provide electricity for use on site by the owner of the property.
- d. **"Solar Energy System"** shall mean all necessary facilities that together convert solar energy into electricity and deliver electricity for use, and which shall

include a device, array of devices, or structural design features, the purpose of which is to provide for generation or storage of electricity from sunlight, including, but not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. For purposes of this Ordinance, "Solar Energy System" shall not include any currently existing Solar Energy System located within the unincorporated territory of the County and shall not apply to components with a total rated capacity of 25 kilowatts or less co-located on a premise and intended to be used to generate electricity for use on site by the owner of the property.

4. Applicability. This Order and Ordinance shall not apply to any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility, or other electrical corporation regulated by the Public Service Commission, but only to the extent such entity is engaged in the generation, transmission, or distribution of electricity or telecommunications services to the general public and not in data processing or data storage operations. This Order and Ordinance shall only apply to the unincorporated sections of Cedar County.

5. Enforcement. The County may seek injunctive relief in circuit court to prohibit construction or require removal of non-compliant facilities. In any enforcement action brought by the County under this Order and Ordinance, the County shall be entitled to recover its reasonable attorney's fees, costs, and expenses from the violating party.

6. Severability. If any section, subsection, provision, or application of this Ordinance to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. Without limiting the foregoing, if the moratorium is held invalid as applied to any one category of facility defined herein, the moratorium shall remain in full force and effect as applied to the remaining categories.

7. Legal Effect. This Ordinance shall be in full force and effect from and after its passage and approval.

8. Order of Printing and Publication. Upon adoption of this Order and Ordinance, the County Commission declares and orders that this Order and Ordinance be printed and made available for distribution to the public in the Office of the County Clerk and orders a copy of this Order and Ordinance to be published in a newspaper in the county for three successive weeks, not later than thirty (30) days after the entry of this Order and Ordinance.

By Order of the County Commission of Cedar County, Missouri on this 8th day of September, 2026.

Kenneth Thornton
Kenneth Thornton, Presiding Commissioner

Ron Alumbaugh
Ron Alumbaugh, Northern District Commissioner

Ted Anderson
Ted Anderson, Southern District Commissioner

ATTEST:

Chrislynn Price
Chrislynn Price, County Clerk

