

ORDINANCE NO. _____

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CRYPTOCURRENCY MINING FACILITIES IN BUNCOMBE COUNTY, NORTH CAROLINA PURSUANT TO N.C.G.S. §160D-107

- WHEREAS, pursuant to N.C. Gen. Stat. § 160D-107, local governments may adopt an ordinance authorizing a temporary moratorium on any development approval required by law;
- WHEREAS, the Buncombe County Zoning Ordinance does not define cryptocurrency mining as a specific use;
- WHEREAS, cryptocurrency mining has the potential to negatively impact surrounding neighborhoods due to excessive energy use, e-waste, pollution and noise;
- WHEREAS, the County Commissioners believe that such a moratorium will protect the public interest and welfare of the residents of the County until such regulations regarding cryptocurrency mining are adopted; and
- WHEREAS, a legislative hearing regarding this moratorium was held in accordance with N.C. Gen. Stat. § 160D-601 on May 2, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

- Section 1. A temporary moratorium is hereby imposed commencing on May 2, 2023 and expiring no later than May 1, 2024, or on the approval of a new zoning regulation regarding cryptocurrency mining within the unincorporated areas of Buncombe County whichever occurs first. This moratorium specifically includes all land uses that involve cryptocurrency mining in the unincorporated areas of Buncombe County.
- Section 2. In compliance with the requirements of N.C. Gen. Stat. § 160D-107, the County makes the following statements:
- (1) Cryptocurrency mining requires considerable amounts of electricity usage, which can result in greenhouse gas emissions, as well as additional pollution, e-waste, noise, and other local impacts to communities living near the mining facilities. The County is in the process of developing a new Comprehensive Plan which seeks to develop standards and mitigation methods for intensive land uses that may pose detrimental harm to the natural environment, and the County seeks time to develop standards in conjunction with the Buncombe County Planning Board and the Buncombe County Board of

Commissioners. The County looked at alternative solutions to a moratorium but found none. The County has determined that to simply allow this intensive land use to be permitted without regard to location, height, size, density, population and type of trade, industry, residence or other purposes would hinder the current and future Comprehensive Plan and Zoning Ordinance.

- (2) Buncombe County seeks to specifically define “cryptocurrency mining” as a specific land use, separate and apart from other data centers, and therefore seeks to take action to place a moratorium on the use of property within the unincorporated jurisdiction of Buncombe County for cryptocurrency mining for a time period of one (1) year or until such a time that specific land use standards can be developed. No zoning certification permits pursuant to Code Sec. 78-598 shall be issued for cryptocurrency mining uses in any zoning district during the moratorium. The moratorium will maintain the status quo by limiting any negative effects in neighborhoods impacted by this use until a proper regulatory scheme can be developed.

For the duration of the moratorium cryptocurrency mining is defined as the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms employing data processing equipment. A server farm, as used herein, shall be three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

- (3) The moratorium shall begin on May 2, 2023 and the moratorium shall terminate on May 1, 2024 or upon a text amendment addressing the land use of commercial scale cryptocurrency mining whichever occurs first. This one (1) year moratorium will allow the County to complete its Comprehensive Plan and study what type of zoning districts are appropriate for this type of land use. County staff is directed to study and prepare an amendment to the zoning ordinance regarding cryptocurrency mining prior to the expiration of the moratorium.
- (4) Upon the adoption of the Comprehensive Plan, Buncombe County Planning Staff will be actively advancing a series of text amendments to the Buncombe County Zoning Ordinance that will seek to mitigate any negative impacts associated with the land use described as cryptocurrency mining prior to the expiration of the moratorium.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the

remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 2nd day of May 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney