

ORDINANCE NO. _____

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

WHEREAS, on May 2, 2023, the Buncombe County Board of Commissioners unanimously passed Buncombe County Ordinance No. 23-05-05 entitled “An Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining Facilities in Buncombe County, North Carolina, Pursuant to N.C.G.S. §160D-107”:

WHEREAS, the temporary moratorium on cryptocurrency mining facilities in Buncombe County is scheduled to expire on May 1, 2024;

WHEREAS, section (3) of Ordinance No. 23-05-05 directed county staff to “study and prepare an amendment to the zoning ordinance regarding cryptocurrency mining prior to the expiration of the moratorium;”

WHEREAS, county staff have taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium on cryptocurrency mining facilities in Buncombe County;

WHEREAS, new facts and conditions warrant an extension of the temporary moratorium on cryptocurrency mining facilities in Buncombe County;

WHEREAS, the County Commissioners believe that an extension of the temporary moratorium on cryptocurrency mining facilities in Buncombe County will protect the public interest and welfare of the residents of the County until county staff can complete their study and prepare a text amendment to the zoning ordinance regarding cryptocurrency mining; and

WHEREAS, a legislative hearing concerning this extension to the moratorium was held, in accordance with N.C. Gen. Stat. § 160D-601 on April 16, 2024.

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

Section 1. The temporary moratorium imposed on May 2, 2023, pursuant to Buncombe County Ordinance 23-05-05 and scheduled to expire no later than May 1, 2024, is extended to April 30, 2025. This extension of the moratorium specifically includes all land uses that involve cryptocurrency in the unincorporated areas of Buncombe County.

Section 2. In compliance with the requirements of N.C. Gen. Stat. § 160D-107(e), the County incorporates by reference Section 2 (1) and (2) of Buncombe County Ordinance 23-05-05 as if fully set forth herein, and further states:

(3) The extension of the moratorium shall begin on May 1, 2024, and the moratorium shall terminate on April 30, 2025, or upon the adoption of a text amendment to the zoning ordinance addressing the land use of commercial scale cryptocurrency mining, whichever occurs first. This one (1) year extension will allow county staff to continue their study of appropriate zoning districts for this type of land use.

(4) Buncombe County Planning Staff will advance text amendments to the Buncombe County Zoning Ordinance on or before the expiration of the moratorium. The text amendments will seek to mitigate any negative impacts associated with cryptocurrency mining.

(5) Buncombe County Planning and Development staff require additional time to complete their study of this relatively new technology in light of the unique zoning and resource requirements. Cryptocurrency mining implicates a host of complex issues and Planning and Development staff must also coordinate with other departments such as Environmental Health, Soil & Water Conservation, Solid Waste, Public Health, Planning Board, and Equity and Human Rights, and Air Quality before making a formal recommendation to the Board of Commissioners or drafting appropriate text amendments.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such invalidation 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 any one 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 7th day of May, 2024.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Stacey Woody, Interim Clerk

Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

