



# COUNTY OF HUMBOLDT

For the meeting of: 2/1/2022

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File #: 22-98

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**To:** Board of Supervisors

**From:** County Counsel

**Agenda Section:** Departmental

**SUBJECT:**

Introduction of an Ordinance of the Board of Supervisors, County of Humboldt, State of California  
Adding Division 10 to Title V of the Humboldt County Code Relating to the Prohibition of the Storage  
and Handling of Coal and Petroleum Coke on County-Owned Property

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Introduce the attached Ordinance and waive the first reading;
2. Set the Ordinance for adoption on February 8, 2022;
3. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both the publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance will be adopted [Government Code section 25124(b)(1)]; and
4. Direct the Clerk of the Board, within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance [Government Code section 25124(b)(1)].

**SOURCE OF FUNDING:**

General Fund (1100)

**DISCUSSION:**

At the regular Board meeting of Oct. 5, 2021, your Board discussed and received input regarding a potential ordinance to regulate the use of coal in Humboldt County. At that meeting, your Board adopted a resolution declaring the county's opposition to negative impacts from potential coal export through Humboldt County and Bay. In this resolution, your Board directed staff to begin work on a local ordinance to protect the public and public trust resources from and mitigate the negative health and safety impacts caused by coal, to the extent possible.

The Ordinance now presented for your consideration takes into account the legal challenges in

attempting to regulate the transportation of coal and focuses on the storage and handling of coal on county owned property. The Ordinance presented is narrowly focused to affect a prohibition on the storage and handling of coal on property owned or leased by the county.

The Ordinance is exempt from the California Environment Quality Act (CEQA), pursuant to CEQA Guidelines section 15378, as this ordinance is not a Project as defined by CEQA. Furthermore, the ordinance is exempt from CEQA pursuant to Guidelines section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FINANCIAL IMPACT:

Staff time in preparation of this ordinance comes from the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health and protecting vulnerable populations.

OTHER AGENCY INVOLVEMENT:

City of Eureka

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to move forward with the proposed Ordinance or ask staff to research potential changes to the Ordinance and to bring it back for consideration at a later date.

ATTACHMENTS:

1. Ordinance No. \_\_\_\_, Adding Division 10 to Title V of the Humboldt County Code Relating to the Prohibition of the Storage and Handling of Coal and Petroleum Coke on County-Owned Property
2. Summary for Publication before Adoption of the Ordinance
3. Summary for Publication after Adoption of the Ordinance

PREVIOUS ACTION/REFERRAL:

Board Order No.: H-2

Meeting of: October 5, 2021

File No.: 21-1450