



NOTICE OF PUBLIC HEARING

SUMMARY OF ORDINANCES ADOPTING TOBACCO RETAILER REGULATIONS AND ESTABLISHING A TOBACCO RETAIL LICENSE, AND AMENDING THE ZONING CODE TO ADD TOBACCO RETAILER LAND USE REGULATIONS

The Board of Supervisors for the County of El Dorado hereby gives notice that, on October 22, 2024, at its regularly scheduled meeting, the County of El Dorado Board of Supervisors will hold a public hearing in the Board of Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95667 to consider adoption of two ordinances to regulate tobacco retailers in the unincorporated areas of the County.

The proposed ordinance establishing a tobacco retail license and regulating tobacco retailers in the unincorporated areas of the County (“Tobacco Retail License Ordinance”) will require tobacco retailers obtain an annual County-issued license. In addition, the proposed Tobacco Retail License Ordinance will prohibit tobacco retailers from selling flavored tobacco products, single-use electronic cigarettes, and non-FDA authorized electronic cigarettes; prohibit pharmacies from selling tobacco products; establish minimum tobacco product pricing and packaging size; require on-site tobacco product sales; impose a cap on the number of licensed tobacco retailers based upon the population size; and repeal Urgency Ordinances 5192 and 5197, which established a temporary moratorium on tobacco retailer applications for all purposes within the unincorporated areas of the County of El Dorado pending the study and development of reasonable regulations. The proposed Zoning Code amendments to add tobacco retailer land use regulations (“Tobacco Retail Land Use Ordinance”) will prohibit the location of a proposed tobacco retailer within 1,500 feet from sensitive and same uses, as defined, which include child care facilities, schools, youth-oriented facilities, churches, parks, and public libraries.

The Board of Supervisors will also consider and vote on finding that the Tobacco Retail License Ordinance and Tobacco Retail Land Use Ordinance are not a “project” within the meaning of Public Resources Code Section 21065 and California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and 15378 because the regulations of tobacco retailers does not have the potential of resulting in a direct or reasonably foreseeable indirect physical change in the environment; and even if adoption of the ordinances were a project, that the ordinances are categorically exempt from CEQA under CEQA Guidelines Section 15308 because the ordinances adopt a regulatory process for the protection of the environment and there are no unusual circumstances under CEQA Guidelines Section 15300.2, and under the “common sense” exemption in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that adoption of the ordinances would have a significant effect on the environment.



The meeting shall be held both in person and virtually. Instructions for participating in the meeting, additional information on this matter, and copies of associated documents, including the full and complete copy of the full text of the proposed ordinance can be found at <https://eldorado.legistar.com/Calendar.aspx>. The full text of the proposed ordinances is also available upon request to the Clerk of the Board. All persons interested are invited to write their comments to the Board of Supervisors in advance of the public meeting. If you challenge the proposed ordinances in court, you may be limited to raising only those items you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public meeting. Any written correspondence should be directed to the Board of Supervisors at 330 Fair Lane, Placerville, CA 95667 or via e-mail: edc.cob@edcgov.us.

Both Ordinances shall take effect 30 days after passage. Enforcement of the Tobacco Retail License Ordinance will begin on April 1, 2025.