

COUNTY OF EL DORADO

HEALTH & HUMAN SERVICES AGENCY

3057 Briw Road, Suite B
Placerville, CA 95667



PLANNING & BUILDING DEPARTMENT

2850 Fairlane Court, #C
Placerville, CA 95667

DATE: March 1, 2024

SUBJECT: Report Issued Pursuant to Government Code Section 65858(d) on Measures Taken Following Adoption of Interim Urgency Ordinance Number 5192, Establishing a Temporary, 45-Day Moratorium on New Tobacco Retailer Applications for all Purposes within the Unincorporated Areas of the County.

BACKGROUND: On January 30, 2024, the Board of Supervisors adopted and authorized the Chair to sign Urgency Ordinance Number 5192, pursuant to California Government Code § 65858, adopting an interim moratorium on new tobacco retailer applications for all purposes within the unincorporated areas of the County of El Dorado pending the study and development of reasonable regulations with the Urgency Ordinance being in effect for forty-five (45) days from the date of adoption, unless extended by the County Board of Supervisors.

Pursuant to California Government Code § 65858(a), an interim ordinance remains in effect for forty-five (45) days from its adoption date and may be extended for ten (10) months and fifteen (15) days following a noticed, public hearing and with a four-fifths (4/5) vote for adoption from the Board of Supervisors. The Board of Supervisors is scheduled to consider an extension of Urgency Ordinance 5192 on March 12, 2024.

California Government Code § 65858(d) requires the Board of Supervisors to issue a written report ten (10) days prior to the interim ordinance's expiration. The report shall describe measures the County is taking to alleviate the condition(s) that led to the interim ordinance's adoption. Ordinance Number 5192 is set to expire on March 14, 2024. Issuance of this report satisfies the requirements of California Government Code § 65858(d).

DISCUSSION: The County of El Dorado does not have regulations in place to regulate tobacco retailers. The County have seen a proliferation of tobacco retailer businesses, with 52 new licenses issued since 2020 for a total of 143 tobacco retailers established in El Dorado County as of December 11, 2023. On January 30, 2024, the Board of Supervisors adopted the Urgency Ordinance to temporarily halt tobacco retailer applications, allowing the County to proceed with the implementation of restrictions on the proximity of tobacco retail sales venues.

The Health and Human Services Agency and Planning and Building Department are actively reviewing and analyzing regulations in order to draft a permanent ordinance to regulate tobacco retailer businesses within the unincorporated areas of the County to address concerns about harmful effects of tobacco on County residents, particularly youth and underserved populations. The following specific activities are currently being undertaken:

- Identifying the circumstances that gave rise to the proliferation of tobacco retailer businesses within the unincorporated areas.

- Defining and evaluating potentially viable solutions, and the cost of any such proposed solutions.
- Identifying measures that would protect minors, such as distance requirements from schools and/or youth-oriented areas.
- Studying effective regulations to address the proliferation of tobacco retailers including regulating the density and proximity of tobacco retail sales venues and regulating tobacco retail sales.
- Reviewing tobacco zoning and retail sales provisions adopted by municipalities throughout California.
- Developing a presentation for the Board of Supervisors to present effective regulations that would alleviate the proliferation of tobacco retailers in El Dorado County.

The above reflects actions undertaken during this short period. Conditions continue to exist that make it necessary to extend the interim urgency ordinance currently in effect to provide staff with the necessary time to complete its analysis and research, develop appropriate regulations, and ensure the protection of the public health, safety, and welfare.

OPPORTUNITY FOR PUBLIC COMMENT: Members of the public will have the opportunity to comment on the draft extension of the Urgency Ordinance at the Board of Supervisor's Public Hearing to be held on March 12, 2024 at 11am, in person or online via Zoom. The County will publish notice for this meeting pursuant to Government Code § 65090.

To participate in the Zoom video conference online meeting and obtain detailed information on how to provide public comment, please visit <https://eldorado.legistar.com/Calendar.aspx>.