

RESOLUTION NO. 2025-

**A RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, ESTABLISHING A PILOT PROGRAM AND
INTERPRETIVE GUIDANCE FOR BUSINESS AND PROFESSIONS
CODE SECTION 233399.03 TYPE 93 PERMITS**

WHEREAS, vineyards and wineries have been an important component of Napa County agriculture since the nineteenth century; and

WHEREAS, Napa County is dedicated to sustaining agriculture and the environment and to providing leadership and services to advance the health, safety, and economic well-being of current and future generations; and

WHEREAS, as of January 1, 2026, State amendments to Business and Professions Code sections 23320 and 23399.03 created a new California Department of Alcohol and Beverage Control (ABC) Estate Tasting Event Permit (Type 93) that is similar to a Beer Manufacturer's Caterer permit (Type 91); and

WHEREAS, the Type 93 permit allows Type 02 winegrower license holders to conduct estate tasting events on either a property adjacent to a Type 02 licensed premises that they own or control or a nonadjacent vineyard that they own or control; and

WHEREAS, Business and Profession Code section 23399.03, subdivision (g), states that an estate tasting event authorization by the ABC does not relieve an applicant of review and approval by the County for any other permit necessary prior to the event, including a local requirement to obtain approval by the local fire marshal or local fire code official; and

WHEREAS, Business and Profession Code section 23399.03, subdivision (h), states that nothing in that code section is intended to alter, diminish, replace, or eliminate the authority of the County from exercising land use regulatory authority by law to the extent the authority may restrict, but not eliminate, privileges afforded by that section; and

WHEREAS, the Napa County Fire Marshal has regulatory authority by law to enforce the California Fire Code, State Minimum Fire Safe Regulations, the Napa County Road and Street Standards, and to review and approve the Type 93 permit; and

WHEREAS, the County wishes to adopt a resolution implementing an Estate Tasting Event Permit Review and Approval pilot program and providing interpretive guidance regarding the application of the County's current regulations to the Type 93 permitted events in response to the State mandate creating the permit type; and

WHEREAS, the purpose of the Estate Tasting Event Permit Review and Approval pilot program is to gather data to create a beneficial and streamlined policies and procedures for the County Fire Marshal review and approval process for Type 93 permits and to ensure that the uses

under the license are de minimis in nature so as not to trigger County Road and Street Standards or other regulatory doctrines; and

WHEREAS, the interpretive guidance provided herein is intended to incorporate the new state statutes regarding Type 93 permits, while fully preserving all applicable zoning, land use, fire and life safety ordinances, regulations, and laws and the County Road and Street Standards, and while continuing to provide the highest level of life safety and property protection to the residents and visitors of Napa County; and

WHEREAS, the interpretative guidance may be amended or supplemented by Board of Supervisors Resolution from time to time.

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. The Board finds that the proposed Interpretive Guidelines attached as Exhibit “A” meets the criteria for eligibility as Categorically Exempt. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of groundwater extraction standards. See Class 4 (“Minor Temporary Use of Land”) and Class 5 (“Minor Alterations in Land Use Limitations”) which may be found in the guidelines for the implementation of the CEQA at Title 14 CCR §15304 and Title 14 CCR §15305. The Board further finds that the proposed Interpretive Guidelines attached as Exhibit “A” are exempt from the CEQA under the General Rule because it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable; the Interpretative Guidelines are not a project as defined by Title 14 CCR §15378(b)2) which exempts general policy and procedures implementing state legislation and therefore CEQA is not applicable; and Public Resources Code § 21080 (b)(1) and Title 14 CCR § 15268 (a) which exempts ministerial projects from CEQA. [See Guidelines for the Implementation of the CEQA, CCR Title 14 § 15061(b)(3) and §15268 (a).]
2. The Interpretative Guidance provided in Exhibit “A” reflects the Board’s intent to institute an 18-month Estate Tasting Event Permit Review and Approval pilot program in response to the State mandate creating the Estate Tasting Event permit classification.
3. The Interpretative Guidance also reflects the Board’s interpretation of the County’s rules and regulations as they are applicable to Estate Tasting Event permits and implements a preliminary Fire Marshal review and approval process of the Estate Tasting Event permits.

4. These changes shall become effective on January 1, 2026, and expire on July 1, 2027, unless extended by the Board.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the ____ day of _____, 2025, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of
the State of California

By: _____
ANNE COTTRELL, Chair of the
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Shana A. Bagley</u> Deputy County Counsel Date: <u>December 11, 2025</u> No. 130771	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
--	--	--

EXHIBIT A

**COUNTY FIRE DEPARTMENT / FIRE MARSHAL INTERPRETIVE GUIDANCE AND
ESTATE TASTING EVENT PERMIT REVIEW AND APPROVAL PILOT PROGRAM**