

“G”

Use Permit Major Modification
Application Packet

Balloons Above the Valley Hot Air Balloon Launch Site
Use Permit P19-00303
Planning Commission Hearing September 2, 2020



Planning, Building, & Environmental Services
 1195 Third Street, Suite 210
 Napa, CA 94559
 Main: (707) 253-4417
 Fax: (707) 253-4336

PLANNING APPLICATION FORM

Applicant Information

A Tradition of Stewardship
 A Commitment to Service

Applicant's Name: Balloons Above The Valley, Ltd. c/o Bob Barbarick	Phone: (707) 258.8888	E-Mail Address: info@balloonrides.com
Applicant's Mailing Address: 603 California Blvd.	City: Napa	State/Zip Code: CA 94559
Property Owner's Name: (if different from Applicant) Robert Barbarick	Phone: (707) 258.8888	E-Mail Address:
Property Owner's Mailing Address: 603 California Blvd.	City: Napa	State/Zip Code: CA 94559
Agent's Name: (if different from Applicant)	Phone:	E-Mail Address:
Agent's Mailing Address:	City:	State/Zip Code:
Other Representative: (Engineer/Architect) Scott Greenwood-Meinert, Attorney	Phone: (415) 772.5741	E-Mail Address: sgreenwood-meinert@coblenzlaw.com
Representative's Mailing Address: 700 Main Street, Suite 210	City: Napa	State/Zip Code: CA 94559

Property Information

Project Name and Address: 5360 Washington Street, Napa, CA 94558

Assessor's Parcel Number(s): 036-130-029-000

Site of site (acreage and/or square footage): 2.03 acres

General Plan Designation: Agricultural Resource Zoning: AP

Application Type¹ (For Staff Use)

Administrative	Zoning Administrator	Planning Commission/ALUC/BOS	Misc. Services
<input type="checkbox"/> Admin Viewshed	<input type="checkbox"/> Certificate of Legal Non Conformity	<input type="checkbox"/> AG Preserve Contract	<input type="checkbox"/> Use Determination
<input type="checkbox"/> Erosion Control Plan: Track II	<input type="checkbox"/> Viewshed	<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Status Determination
<input type="checkbox"/> Erosion Control Plan: Track I	<input type="checkbox"/> Minor Modification	<input type="checkbox"/> Airport Land Use Consistency Determination	
<input type="checkbox"/> Fence Entry Structure Permit	<input type="checkbox"/> Road Exception	<input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment	
<input type="checkbox"/> Land Division/Mergers	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Use Permit	
<input type="checkbox"/> Site Plan Approval/Modif.		<input type="checkbox"/> Major Modification	
<input type="checkbox"/> Temporary Event: _____		<input type="checkbox"/> Variance	
<input type="checkbox"/> Very Minor Modification		<input type="checkbox"/> Zoning Map/Text Amendment	
<input type="checkbox"/> Addressing		<input type="checkbox"/> Road Exception	
<input type="checkbox"/> Signs		<input type="checkbox"/> Con. Reg. Exception	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

¹: Include corresponding submittal requirements for each application type.

Detailed Project Description (required): A typed, detailed project description is required that describes the proposed development or use(s); the existing site conditions/uses; the number, size, type and nature of any proposed residential dwelling units or total amount of new non-residential square-footage by type of use. Please refer to specific Supplemental Application submittal handouts for details to describe the project and required special studies.

Conditions of Application

1. All materials (plans, studies, documents, etc.) and representations submitted in conjunction with this form shall be considered a part of this application and publicly available for review and use, including reproduction.
2. The owner shall inform the Planning Division in writing of any changes.
3. Agent authorization: The property owner authorizes the listed agent(s) and/or other representative(s) to appear before staff, the Director, the Zoning Administrator, and Planning Commission to represent the owner’s interests and to file applications, plans and other information on the owner’s behalf.
4. Certification and Indemnification Form: Refer to attached form for notifications and required signature.
5. Fees: The applicant agrees to pay the County any and all processing fees imposed by Board of Supervisor Resolution No. 2018-102 including the establishment of an hourly fee application agreement and initial deposit (Section 80.250 Hourly Project Policies and Procedures). Applicant understands that fees include, but not limited to: Planning, Engineering, Public Works, and County Counsel staff time billed at an hourly rate; required Consultant service billed rates; production or reproduction of materials and exhibits; public notice advertisements; and postage. In the event the property owner is different than the applicant, the property owner must sign to indicate consent to the filing and agreement to pay fees in the event of the applicant’s failure to pay said fees. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
6. This form, together with the corresponding application forms for specific permits, will become the Permit Document.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge. All property owners holding a title interest must sign the application form. If there are more than two property owners, list their names, mailing addresses, phone numbers and signatures on a separate sheet of paper.

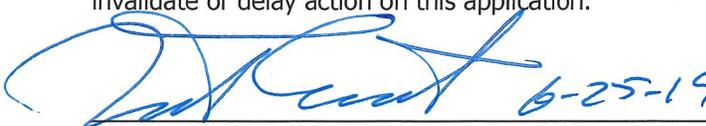
If you wish notice of meetings/correspondence to be sent to parties other than those listed on Page 1, please list them on a separate piece of paper.



 Property Owner’s Signature and Date
 Robert Barbarick

Applicant/Agent Statement

I am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.



 Applicant’s Signature and Date
 Balloons Above The Valley, Ltd.
 by Robert Barbarick, Chief Executive Officer

Application Fees	
Date Received: _____	Deposit Amount \$
Received by: _____	Flat Fee Due \$
Receipt No. _____	Total \$
File No. _____	Check No

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

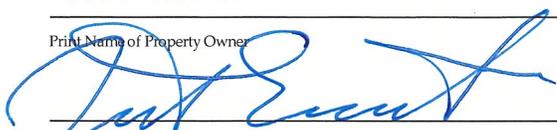
In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Robert Barbarick

**Balloons Above The Valley, Ltd.
by Robert Barbarick, Chief Executive Officer**

Print Name of Property Owner

Print Name, Signature of Applicant (if different)



6-25-19

Signature of Property Owner

Date

Signature of Applicant

Date

Hourly Fee Agreement

PROJECT File: _____; request for _____

use permit for unlimited balloon launches _____, I,

Robert Barbarick, the undersigned, hereby authorize the County of Napa to process the above referenced permit request in accordance with the Napa County Code. I am providing \$ 10,000 as a deposit to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended and other direct costs. **In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current Napa County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Hourly Fee Agreement:

1. Time spent by Napa County staff in processing my application and any direct costs will be billed against the available deposit. "Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, or responding to any legal challenges related to the application during the processing of your application. "Staff" includes any employee of the Planning, Building and Environmental Services Department (PBES), the Office of the County Counsel, or other County staff necessary for complete processing of the application. "Direct costs" include any consultant costs for the peer review of materials submitted with the application, preparation of California Environmental Quality Act (CEQA) documents, expanded technical studies, project management, and/or other outside professional assistance required by the County and agreed to by the applicant. The cost to manage consultant contracts by staff will also be billed against the available deposit.
2. Staff will review the application for completeness and provide me with a good faith estimate of the full cost of processing the permit. Any requested additional deposit shall be submitted to PBES to allow continued processing of the project.
3. I understand that the County desires to avoid incurring permit processing costs without having sufficient funds on deposit. If staff determines that inadequate funds are on deposit for continued processing, staff shall notify me in writing and request an additional deposit amount estimated necessary to complete processing of my application. I agree to submit sufficient funds as requested by staff to process the project through the hearing process within 30 days of the request.
4. I understand that if the amount on deposit falls below zero, staff will notify me and stop work on the application until sufficient additional funds are provided
5. If the final cost is less than the amount remaining on deposit, the unused portion of the deposit will be refunded to me. If the final cost is more than the available deposit, I agree to pay the amount due within 30 days of billing.
6. If I fail to pay any invoices or requests for additional deposits within 30 days, the County may either stop processing my permit application, or after conducting a hearing, may deny my permit application. If I fail to pay any amount due after my application is approved, I understand that my permit may not be exercised, or may be subject to revocation. I further agree that no building, grading, sewage, or other project related permits will be issued if my account is in arrears.

7. I may file a written request for a further explanation or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

Name of Applicant responsible for payment of all County processing fees (Please Print):

Balloons Above The Valley, Ltd.

Mailing Address of the Applicant responsible for paying processing fees:

603 California SBlvd.

Napa, CA 94559

Signature:*


Robert Barbarick, Chief Executive Officer

Email Address: info@balloonrides.com

Date:

6-25-19

Phone Number: (707) 258.8888

*ATTENTION - The applicant will be held responsible for all charges.

Scott Greenwood-Meinert
D (415) 772-5741
sgreenwood-meinert@coblentzlaw.com

June 28, 2019

Napa County Planning, Building &
Environmental Services
1195 Third Street
2nd Floor
Napa, CA 94559

Re: Application for Use Permit Application for Unlimited Balloon Launches from 5360
Washington Street, Napa California (APN: 036-130-029)

Dear Ladies and Gentlemen:

This letter pertains to the application and related materials being submitted with it for a use permit for unlimited balloon launches from the location stated above. This location is already a permitted balloon launch location pursuant to Permit # P19-00235. The following materials are being submitted with this letter:

- Use Permit Application (with supplemental Administrative Permit)
- Balloon Launch Site Radius Diagram
- Statement of Intended Landing Areas
- Insurance Policy Certificate
- Property Owner's Notice Guarantee
- Notice Labels
- County Assessor's Parcel Maps
- Letters of Support from Property Owners or Residents within a 500 ft. radius of the Launch Site

As to some other important details, balloon launches usually occur just after sunrise in the morning on days when weather is advantageous. The morning launches minimize traffic concerns, but the launch site location is uniquely outstanding from a traffic circulation perspective as the County has acknowledged repeatedly while permitting use permits or use permit modifications for wineries in the immediate vicinity.

Napa County Planning, Building & Environmental Services
June 28, 2019
Page 2

No new facilities are proposed for the launch site at this time. The parking needs for launches are minimal, but parking will be as approved by Permit # P19-00235, just more frequently.

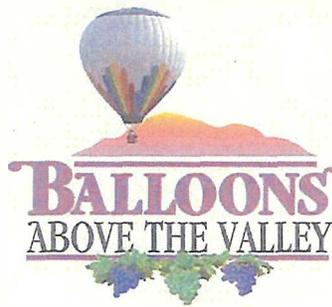
On behalf of Balloons Above The Valley, we appreciate your consideration of the application materials and please feel free to contact me or Mr. Barbarick, both the property owner and the owner of the applicant, should you have any questions or concerns.

Cordially,

A handwritten signature in black ink, appearing to read "Scott Greenwood-Meinert". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott Greenwood-Meinert

cc: Bob Barbarick



HOT AIR BALLOON RIDES

County of Napa
Conservation, Development and Planning
1195 Third Street 2nd Floor
Napa, CA 94559-3092

To Whom It May Concern,

Please see below for our intended landing areas:

Flights originating from 5360 Washington Street Napa, CA 94559. Our target landing areas will be determined by the winds aloft forecast and could change on a daily basis.

If the winds at 3,000 ft. are out of 290 to 340 (northwest) at 8kts or greater, our target landing area will be south of the city of Napa towards the airport.

If the winds at 3,000 ft. are out of 290 to 340 (northwest) at less than 8kts but more than 4kts, our target landing area will be south and/or southeast of the city of Napa.

If the winds at 3,000 ft. are out of 350 to 020 (north) at 4kts or greater, our target landing area will be south and/or west of the city of Napa.

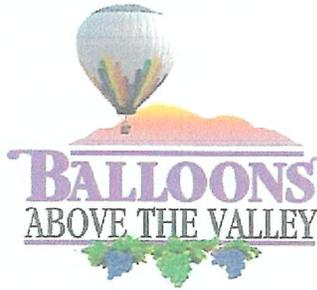
If the winds at 3,000 ft. are out of 030 to 050 (northeast) at 8kts or greater, our target landing area will be outside of Napa County.

If the winds at 3,000 ft. are out of 130 to 180 (South) at 4kts or less, our target landing area will be Yountville Area.

If the winds at 3,000 ft. are LV (Light and Variable), our target landing area will be Solano Avenue area.

603 California Blvd. • Napa, California 94559 • 707-253-2222 • 800 GO-HOT-AIR • Fax: 707-258-8889

<http://www.balloonrides.com> • email: info@balloonrides.com



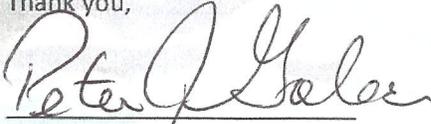
H O T A I R B A L L O O N R I D E S

County of Napa
1195 Third Street 2nd Floor
Napa, CA 94559

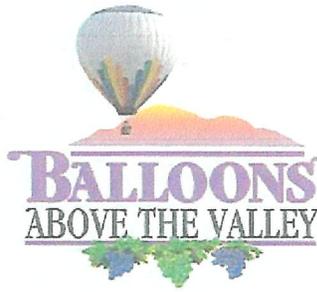
To Whom It May Concern,

We received notice that Balloons Above The Valley has submitted a new application for a permit requesting unlimited launches for its launch site at 5360 Washington Street, Napa, California 94559 (APN 036-130-029) between 6 a.m. and 9:30 a.m. The launch site is within 500 feet of the residence that we occupy at 5350 Washington Street (APN 036-130-039). We support the permit for this launch site and we do not believe that the proposed balloon launches from that site will negatively affect our lives. We expect that Balloons Above the Valley will be a good neighbor and continue to be an asset to the Napa Valley.

Thank you,


Peter Galea


Cyndy LeSawyer



H O T A I R B A L L O O N R I D E S

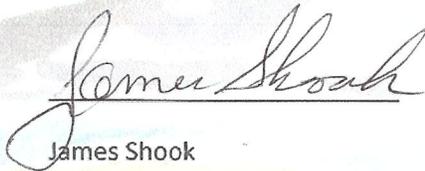
County of Napa

1195 Third Street 2nd Floor
Napa, CA 94559

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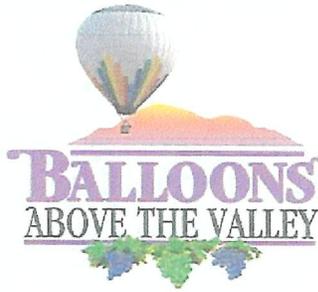
Thank you,



James Shook

603 California Blvd. • Napa, California 94559 • 707-253-2222 • 800 GO-HOT-AIR • Fax: 707-258-8889

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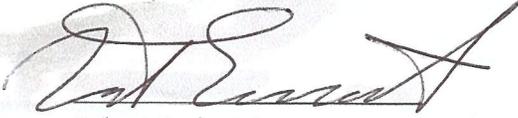
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County of Napa
1195 Third Street 2nd Floor
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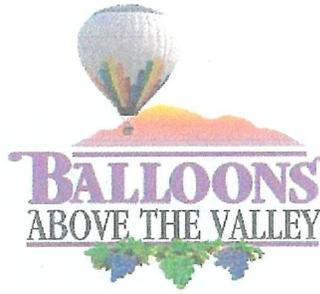
Thank you,



Robert Barbarick

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County of Napa

1195 Third Street 2nd Floor
Napa, CA 94559

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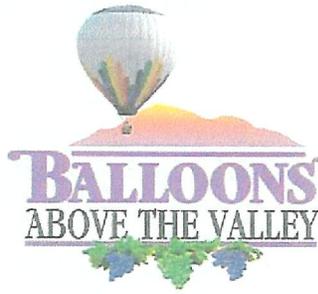
Thank you,
Rodgers Land and Development

By:

Anna M. Hicky, President

603 California Blvd. • Napa, California 94559 • 707-253-2222 • 800 GO-HOT-AIR • Fax: 707-258-8889

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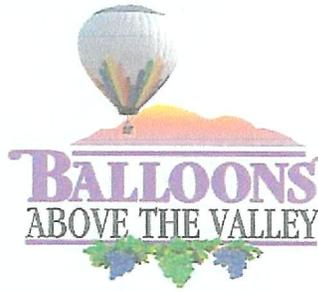
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Thank you,

Laverne R. Millstead

Owner/ Occupant



H O T A I R B A L L O O N R I D E S

County of Napa

1195 Third Street 2nd Floor
Napa, CA 94559

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Thank you,

Laverne R. Millstead

Owner/ Occupant

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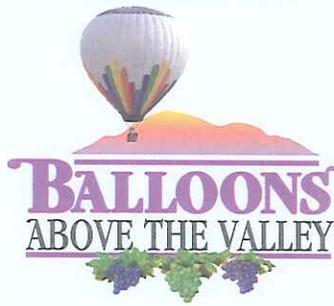
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Thank you,

A handwritten signature in black ink, appearing to read 'Robert Barbarick', is written over a horizontal line.

Robert Barbarick



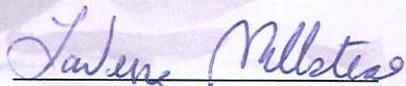
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Thank you,



Signature



Print Name



**T.H.E.
INSURANCE
COMPANY**

Baton Rouge, Louisiana

**HOT AIR BALLOON COVERAGE PART
DECLARATIONS**

Named Insured and Mailing Address
BALLOONS ABOVE THE VALLEY, LLC
C/O GLOBAL BALLOONING, LLC
701 BRAZOS STREET, SUITE 1050
AUSTIN TX 78701

Policy No. HAB 0052507 00

Policy Period: From 05/01/2020 To 05/01/2021 at 12:01 A.M. Standard Time at
mailing address shown above.

**IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL TERMS OF THIS
POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.**

LIMITS OF INSURANCE

COVERAGE A	BODILY INJURY, PROPERTY DAMAGE, PERSONAL AND ADVERTISING INJURY LIABILITY EXCLUDING PASSENGERS	\$ 1,000,000	EACH OCCURRENCE LIMIT
		\$ 2,000,000	GENERAL AGGREGATE LIMIT
COVERAGE B	BODILY INJURY, PROPERTY DAMAGE, PERSONAL AND ADVERTISING INJURY LIABILITY SUBLIMIT	\$ 100,000	EACH PASSENGER INCLUDING CREW
	SUBJECT TO	\$ 2,000,000	GENERAL AGGREGATE LIMIT
COVERAGE C	MEDICAL PAYMENTS	\$ 5,000	ANY ONE PERSON

FULL TERM PREMIUM

Classification	Code No.	Premium
SPORTS OR OUTDOOR ACTIVITIES -		

Full Term Premium: \$
Total Tax/Fee/Surcharge: \$
Total Due: \$

FORMS AND ENDORSEMENTS

Form(s) and Endorsement(s) made part of this policy at time of issue:

HAB0001 03/13	HAB0021 04/09	HAB2026 04/13	HAB2147 04/09	HAB2167 04/09
HAB2170 01/15	HAB2196 04/09	HAB305 04/09	HL0168 03/12	HL0275 11/13



**T.H.E.
INSURANCE
COMPANY**

Baton Rouge, Louisiana

**HOT AIR BALLOON LIABILITY
SCHEDULE**

Policy No. HAB 0052507 00

SCHEDULE OF COVERED BALLOONS YOU OWN

Year	Make	Model	"N" Number	FAA Size	Max Passengers
2017	CAMERON	400	N6954Y	AX12	20
2011	CAMERON	400	N6510N	AX12	20
2013	CAMERON	400	N65298	AX12	20
2011	CAMERON	400	N6511N	AX12	20
2010	CAMERON	315	N1259Z	AX11	16
2010	CAMERON	315	N2057N	AX11	16
2010	CAMERON	120A	N6522T	AX8	5

SCHEDULE OF PILOTS

Pilot	License	Classifications
BOB BARBARICK	572681719	AS LISTED ON FILE WITH COMPANY
JOHNATHAN P. RADOWSKI	3328567	AS LISTED ON FILE WITH COMPANY
CHAD CASSELL	3629079	AS LISTED ON FILE WITH COMPANY
JACOB W. MOLNAR	3654940	AS LISTED ON FILE WITH COMPANY
RUSSELL JAMES	3375980	AS LISTED ON FILE WITH COMPANY

Untitled Map
Write a description for your map.

- Legend**
- 1000 Ft Radius from Red Target
 - 500 Ft Radius from Red Target
 - 5360 Washington St
 - Bettinelli Vineyard
 - Hillview Country Inn
 - Launch Spot

