

VOLUNTARY PROFFER STATEMENT

Applicant: Team Crucible, LLC (“Applicant”)
60 Jack Ellington Road, Fredericksburg, VA 22406

Owner: Radio Reconnaissance Technologies, Inc. (“Owner”)

(hereafter and for purposes of this Proffer Statement, the Applicant and Owner shall ~~be~~ collectively be referred to as the “Applicant”)

Representative: Charles W. Payne, Jr., Hirschler Fleischer, 725 Jackson Street,
Suite 200, Fredericksburg, VA, 22401, Phone: (540) 604-2108;
Fax (540) 604-2101; Email: cpayne@hf-law.com

Project Name: “Team - Crucible Training Complex”

Property: Spotsylvania County Tax Parcel 76-A-2, known as 6116 Jefferson Davis Hwy., consisting of approximately 69.9846 acres (collectively, the “Property”)

Date: ~~August 22,~~ November 26, 2018

GDP: Generalized Development Plan, entitled “Team - Crucible Training Complex”, prepared by W W Webb & Associates, PLLC, originally dated March 27, 2017, and as last revised August 21, 2018, which plan is attached hereto and marked as Exhibit A (the “GDP”)

Rezoning Request: From A-2 to I-2

Rezoning File No.: R17-0005

I. General Information

The Applicant, its successors and assigns, hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions (the “Proffers”) pursuant to Sections 15.2-2303, et seq. of the Code of Virginia (1950) as amended, and Section 23-4.6.3 of the Zoning Ordinance of Spotsylvania County (1995) as amended. The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers. All previous proffers associated with the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be effective only upon Spotsylvania County’s (the “County”) full and final approval of rezoning application R17-0005 and approval of accompanying special use permit application

SUP17-0003, all submitted by the Applicant to reclassify the Property from A-2 to I-2 to allow for the development and operations of a security training facility; and related activities.

II. Land Use:

A. General Development. The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travelway locations, utility locations, drainfields, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow the Applicant to address final development, engineering and design requirements, fulfill compliance with state and federal agency regulations including, but not limited to; DHR, VDOT, DEQ, DCR, Army Corps, etc., and fulfill compliance with the requirements of the County's applicable development and zoning ordinances, regulations, and design standards manual. Notwithstanding the foregoing, any said adjustments to the GDP shall be subject to the approval of the County, and in no event shall approved adjustments to the GDP relieve the Applicant from providing any of the below Proffers.

B. GDP Phasing. The GDP reflects maximum phases 1 and 2 of the build-out of the Project, including all or parts thereof, all as shown on the GDP, to include the following build-out scenarios:

1. For purposes of the initial build-out, the following shall apply in addition to the other proffered improvements provided herein:

~~(i) the entrance will be constructed as a low volume entrance in accordance with applicable VDOT and County requirements;~~ (ii) a perimeter 8 ½-foot tall fence with single strand anti-climb barbed wire along the top of the fence will be constructed and installed on the Property, all in the areas shown on sheet 3 of the GDP;

~~(iii)(i)~~ construction of a 12 ½-foot tall earthen berm or wall and plantings along the property line shared with adjoining Tax Map Parcels 63-A-37B, 63-A-37A and 76-A-2A, all as shown on sheet 3 of the GDP with the detailed specifics of which, including whether a wall and/or berm, will be finalized at the site plan stage once final engineering occurs; and

~~(iv)(iii)~~ any ranges, when constructed during all phasing, shall include a 20 ½-foot high perimeter earthen berm with at least 18 inches of sand capture material in the impact area, a 10 ½-foot high interior wall, and a horizontal bullet catcher, all as generally depicted on the GDP.

2. For purposes of the final and maximum build-out of the project, the following, in addition to the other proffered improvements provided herein, shall apply:

(i) the entrance shall include a commercial entrance with a 200 ½-foot taper, as shown on sheet 4 of the GDP; and

~~(ii) the connection of public water and sewer utilities, as applicable, will occur, at the expense of the Applicant, prior to the construction of the second building shown on sheet 4 of the GDP, and when such facilities are reasonably available to the Property; and (iii) the construction and installation of sidewalks along the Rt. 1 frontage only when any adjoining parcel(s) along Rt. 1 commences the development of said adjoining parcel and such said parcel is required to construct constructs sidewalks along the Rt. 1 frontage and connect connects the same to the Property.~~

C. Noise Mitigation. The Applicant will undertake the following measures on site prior to any training and shooting activity for purposes of mitigating noise:

1. Construct minimum 20 foot high earthen berms surrounding the outside of all firing ranges, all as generally depicted on the GDP.
2. Construct minimum 20 foot high earthen berms at the impact area, to include at least 18 inches of sand capture material, all as generally depicted on the GDP.
3. Construct minimum 10 foot high interior walls for the separation of ranges, all as generally depicted on the GDP.
4. Construct an additional 12 foot high earthen berm along the north east corner of the Property, all as shown on the GDP.
5. The Applicant agrees to maintain in place all natural vegetation and trees to the extent reasonably possible. Said natural vegetation and trees that must be removed for purposes of developing the Property in accordance with the GDP and applicable governmental requirements will be replanted as shown on the GDP. All existing vegetation will remain undisturbed in the 50 foot perimeter buffer excluding: (i) the area where the road nears the southern parcel boundary; and (ii) the area needed to install and maintain the perimeter fence.
6. Limit live and blank nighttime firing range training Monday through Friday to no later than two (2) hours after darkness or 10:00 ~~pm~~ p.m., whichever is earlier (darkness for purposes herein is defined as the end of astronomical twilight as recorded by the United States Naval Observatory (USNO), see Astronomical Twilight for 2019 Table, attached hereto as Exhibit B, which table will adjust pursuant to the applicable year). Live fire operation will end no later than: 5:00 ~~pm~~ p.m. on Saturday; and 4:00 ~~pm~~ p.m. on Sunday. Further, the Applicant agrees to limit hours of live fire operation to commence no earlier than: 8:00 ~~am~~ a.m. Monday through Friday; 9:00 ~~am~~ a.m. on Saturday; and 10:00 ~~am~~ a.m. on Sunday.
7. Limit simulated IED scenario training activities during daylight hours only, to commence only after 8:00 a.m. Monday through Friday, and after 9:00 a.m. Saturday and 10:00 a.m. on Sunday and to end before the end of astronomical twilight as recorded by the United States Naval Observatory (USNO).

8. Prohibit use of any high explosives as such term is defined and regulated by the Alcohol, Tobacco, Firearms, and Explosives Bureau (“ATF”).

D. Range Controls. The Applicant will undertake the following firing range controls prior to any shooting and training activity on the Property:

1. All firing training targets shall be located against range backstops, as shown on the GDP, and target height shall not be any higher than 8 feet tall, measured from the range floor.

2. ~~Construct~~ All backstops shall have horizontal bullet catchers ~~along all backstops~~ consistent with NRA Range Source Book 2012.

3. All target firing activity shall be directed below firing positions at approximately a 3% grade to ensure fired rounds containment.

4. Include a minimum 8 foot high chain link fence with single strand anti climb top wire around the perimeter of the operations, all as generally shown on the GDP.

5. Include visible “No Trespassing” (in English and Spanish) signs at least one 100 feet apart from one another around the perimeter of the Property.

6. Limit the caliber of weapons fired on the Property to the following:

(i) handguns (pistols/revolvers) up to and including .45 caliber;

(ii) shotguns (up to and including 12 gauge);

(iii) rifles/carbines (manually or semi-automatic operated, no larger than .338);

(iv) automatic weapons (no larger than 7.62mm/30 caliber); and

(v) training launchers.

7. There will be no live fire in scenario areas.

E. Environmental Controls. The Applicant will undertake the following environmental controls prior to any shooting and training activity on the Property:

1. All range facilities will be designed to follow *Environmental Protection Agency (USEPA) Best Management Practices for Lead at Outdoor Shooting Ranges (EPA-902-B-01-001)*, as revised June 2005 (“EPA Manual”), as thereafter updated and amended, to mitigate lead contamination;

2. Develop and implement an Environmental Stewardship Plan (ESP) consistent with the EPA Manual, which will include management actions, such as monitoring and reclamation actions, that will mitigate lead migration from the ranges;

3. Disburse and locate adequate lime on range floors based on periodic measurements for purposes of keeping pH levels within the firing ranges above 6.5;
4. Install sheet flows to slow water leaving the range and direct all flows to drainage swales, all as shown on the GDP;
5. Locate grass in swales and install limestone check dams, as provided for in the EPA Manual, and as shown on the GDP;
6. Install water retention structures infiltration with limestone cobbles or evaporation based on geotechnical engineer report at site plan stage in the general areas shown on the GDP; and
7. On ~~a periodic bases~~ an annual basis, account accumulated fired rounds for purposes of determining lead reclamation activities based on round count and soil measurement procedures as set forth in ~~the EPA Manual~~ Applicant's Environmental Stewardship Plan, as may thereafter be updated or amended.

F. Community Engagement.

1. Applicant agrees to appoint a contact representative and provide the County contact information for such person to address any community concerns or questions about the ongoing operations of the facility. An appointed contact representative will remain in place in perpetuity as long as the facility operates or exists.

2. Applicant agrees to work with the leaders of established Spotsylvania hunt clubs ~~to provide opportunity for hunt club members to "sight in" rifles prior to hunting season. This service will be conducted under the direct supervision of Applicant's instructors at no charge to the participants. Density, frequency and scheduling of hunt club members will be based on hunt club willingness to participate, and subject to Applicant's range safety operations procedures.~~

~~3. Applicant agrees to~~ and host a one day, Hunter Safety Training seminar certified by the VA Department of Game and Inland Fisheries and National Rifle Association. ~~The seminar will teach hunting safety, principles of conservation, and sportsmanship. Training will be held twice a year prior to hunting seasons (once in February and once in August). Training will be open to the public~~ Hunt Club Members and registration conducted by the Applicant. In addition, the applicant will host two days of NRA sanctioned training to be provided by local businesses that are members of the NRA Business Alliance.

~~4.3.~~ Applicant agrees to provide Spotsylvania County first responders and public safety personnel with access to the Applicant's firing range facilities, pursuant to a subsequent agreement between Spotsylvania County and the Applicant.

~~5.4.~~ Applicant agrees to provide Spotsylvania County Sheriff's office access to the Applicant's tactical training, pursuant to a subsequent agreement between Spotsylvania County and the Applicant

~~—— G. Cemetery. The Applicant agrees to buffer and not disturb the cemetery shown on the GDP, and provide access to the same in accordance with applicable State code and County ordinance.~~

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant makes these proffers voluntarily, in support of their rezoning application.

WITNESS the following signature:

APPLICANT:

**TEAM CRUCIBLE, LLC, a
Virginia limited liability company**

By: _____
John R. Garman, President

Date: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing was subscribed, sworn to and acknowledged before me this ___ day of _____, 2018, by John R. Garman, President of Team Crucible, LLC, a Virginia limited liability company, on behalf of said company.

Notary Public

Print Name: _____
My Commission Expires: _____
Registration No. _____
[SEAL]

OWNER:

**RADIO RECONNAISSANCE TECHNOLOGIES, INC., a
Virginia corporation**

By: _____
Nicholas E. Hoben, President

Date: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing was subscribed, sworn to and acknowledged before me this ___ day of _____, 2018, by Nicholas E. Hoben, President of Radio Reconnaissance Technologies, Inc., a Virginia corporation, on behalf of said company.

Notary Public

Print Name: _____
My Commission Expires: _____
Registration No. _____
[SEAL]

EXHIBIT A

Generalized Development Plan

EXHIBIT B

Astronomical Twilight for 2019 Table

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Document comparison by Workshare 9.5 on Tuesday, November 27, 2018
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