


ORO VALLEY

CHURCH OF THE NAZARENE

PLANNED AREA DEVELOPMENT

(PCZ2011-002)

OCTOBER 2022



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CONTENTS

I. Introduction.....	1
II. Land Uses.....	3
A. Existing Land Uses	3
<i>Exhibit II-A-1: Site Location Map.....</i>	<i>6</i>
<i>Exhibit II-A-2: Aerial Photograph & Existing Land Uses</i>	<i>7</i>
<i>Exhibit II-A-3: Existing General Plan Future Land Use Designations.....</i>	<i>8</i>
<i>Exhibit II-A-4: Existing Zoning.....</i>	<i>9</i>
B. PAD Development Plan	10
<i>Exhibit II-B-1: Tentative Development Plan</i>	<i>17</i>
<i>Exhibit II-B-2: Estimated Phasing Plan</i>	<i>18</i>
<i>Exhibit II-B-3: Open Space Plan</i>	<i>19</i>
<i>Exhibit II-B-4: Proposed Zoning</i>	<i>20</i>
III. Environmentally Sensitive Lands	21
A. Existing Conditions	21
B. PAD Response	22
<i>Exhibit III-B-1: Existing Environmentally Sensitive Lands.....</i>	<i>23</i>
<i>Exhibit III-B-2: Proposed Environmentally Sensitive Lands</i>	<i>24</i>
IV. Topography.....	25
A. Existing Conditions	25
B. PAD Response	25
<i>Exhibit IV-A-1: Topography</i>	<i>26</i>
<i>Exhibit IV-B-1: Proposed Grading Area</i>	<i>27</i>
V. Cultural / Archaeological / Historic Resources	28
A. Existing Conditions	28
B. PAD Response	28
VI. Hydrology	29
A. Existing Conditions	29
<i>Exhibit VI-A-1: Offsite Watershed Map.....</i>	<i>31</i>
B. PAD Response	32
<i>Exhibit VI-B-1: Proposed Drainage Plan</i>	<i>33</i>

VII. Wildlife	34
A. Existing Conditions	34
B. PAD Response	34
<i>Exhibit VII-A-1: AZGFD Online Review Results.....</i>	<i>35</i>
VIII. Viewsheds.....	47
A. Existing Conditions	47
<i>Exhibit VIII-A-1: Viewsheds.....</i>	<i>48</i>
B. PAD Response	55
IX. Traffic.....	56
A. Existing Conditions	56
<i>Exhibit IX-A-1: Existing Roadway Network.....</i>	<i>59</i>
<i>Exhibit IX-A-2: Existing Bike Routes.....</i>	<i>60</i>
B. PAD Response	61
X. Recreation / Trails.....	64
A. Existing Conditions	64
B. PAD Response	64
<i>Exhibit X-A-1: Trails, Parks, & Recreation</i>	<i>65</i>
XI. Water	66
A. Existing Conditions	66
B. PAD Response	66
XII. Wastewater	67
A. Existing Conditions	67
B. PAD Response	67
<i>Exhibit XII-A-1: Sewer Capacity Letter.....</i>	<i>68</i>
<i>Exhibit XII-A-2: Existing Sewer Infrastructure</i>	<i>69</i>
XIII. Bufferyards	70
A. Existing Conditions	70
B. PAD Response	70
<i>Exhibit XIII-B-1: Bufferyards Map.....</i>	<i>71</i>
<i>Exhibit XIII-B-2: Bufferyard Cross-Sections.....</i>	<i>72</i>
XIV. McHarg Composite Map	73

XV. PAD Administration74

 A. Interpretation..... 74

 B. Conflict 74

 C. Development Regulations & Standards Not Listed 74

Appendix 1: General Plan Policy Compliance Analysis 75

Appendix 2: Summary Table of Zoning Standard Modifications81

Appendix 3: Statement on Religious Land Use Rights 83

I. INTRODUCTION

The Oro Valley Church of the Nazarene ("OVCN") has been active in the community for many years. Their existing campus and sanctuary are very visible so as to encourage an open and welcoming experience, as will be the buildings and amenities now proposed. The previous expansion several years ago was focused on their children's ministry, adding the "Third Space" and main worship sanctuary. OVCN's recent acquisition of an additional ten acres northeast of the existing sanctuary building has allowed the leadership to broaden their outreach vision to include significant investment in their popular youth sports programs. Partnering with a national sports ministry organization, OVCN has been blessed with the opportunity to leverage the outreach power of athletics to achieve and increase the impact of their mission of spreading the gospel. Sports often remove barriers and thus can create a wonderful environment for churches to build relationships and serve others. Sports ministry organizations partner with hundreds of churches across the country to help enable transformational experiences through organized youth sports leagues and activities. In support of this expanding vision a Planned Area Development (PAD) is proposed across the entire OVCN campus.



Section II of this document provides details about the proposed campus expansion, but generally speaking it will include five components: First, a large multi-use ministry building housing sport courts, worship, and classroom space.

Second, an athletic field. Third, an outdoor amphitheater. Fourth, a small building housing additional church offices. And fifth, segmented parking areas to support all of the proposed facilities.

PAD zoning is proposed for three reasons: (1) To permit the multi-use building to be 42 feet in height, (2) to permit the 8' visual/acoustical screen wall shown on the TDP to be within standard R1-144 building setbacks, and (3) to memorialize that the "not-for-profit" recreational uses are permitted (See Appendix 2: Summary Table of Zoning Standard Modifications and Appendix 3: Statement on Religious Land Use Rights). Applying a PAD with underlying Public Schools (PS) and Residential (R1-144) zoning districts will allow minor tailoring of the applicable regulations in order to permit the location of the screen wall and the height of the multi-use building.

The OVCN campus currently has three different zoning designations. An ancillary benefit of this PAD zoning request will be to "clean up" the existing zoning map and standardize the development regulations across the entire campus, allowing more seamless design and simpler enforcement.

OVCN's sole purpose for the campus expansion is to carry out its continuing mission to bring the gospel of Jesus Christ to the Oro Valley Community. Although a portion of the planned facilities can be categorized as recreational, OVCN takes the position that the entire expansion falls within the Oro Valley Zoning Code's definition of "Religious Institution." Religious use is not restricted to Sunday worship services, but includes any conduct with a religious purpose, including recreational activities which are integral to OVCN's religious mission. OVCN respectfully maintains the position that the recreational features do not require a rezoning under the PAD because they fall within the definition of "Religious Institution" and "Accessory Use" under the Oro Valley Zoning Code, as supported by legal precedent and the country's longstanding religious traditions.

The PAD recognizes that the Town of Oro Valley has an interest in regulating certain technical aspects of the campus expansion and has an interest in preserving and promoting the quality of life of its residents, promoting responsible development, and enforcing the zoning code.

This PAD document is divided into seventeen sections addressing different aspects of land development such as land use, environmental concerns, hydrology, archaeology, traffic, grading, utilities, and so on. Each of these sections describes both the existing conditions of that development opportunity or constraint and the PAD's response to those conditions.

This document has been prepared to meet the requirements of the Town of Oro Valley for establishment of a PAD district.

II. LAND USES

A. EXISTING LAND USES

1. Regional Context

The OVCN property is located in the Town of Oro Valley in Section 24, Township 12S, Range 13E, Pima County, Arizona. The site sits adjacent to the west side of Canyon Del Oro High School, at the intersection of Calle Concordia and Calle Buena Vista. It is represented by Assessor Parcel Numbers 225-11-269C, 225-11-290A, 225-11-293A, and 225-11-293C.

The area of properties contained in this PAD totals 26.6± acres.

See Exhibit II-A-1: Site Location Map.



2. Onsite

The overall OVCN campus currently has split zoning designations. Most of the campus, including the entire western parcel and much of the eastern parcel, is zoned PS (Private Schools). The PS zoning designation used to be PS&C (Private Schools & Churches), but the Town dropped the "& Churches" portion after the federal Religious Land Use and Institutionalized Persons Act made churches an allowable use in all zoning designations. Much of the rest of the OVCN campus is within PAD #3 – Church of the Latter-Day Saints (LDS PAD) from 1983, which is an atypical PAD document containing no development regulations other than the Town Council's conditions of PAD approval. Incidentally, the entire eastern OVCN parcel used to be within the LDS PAD, but a portion was rezoned to PS&C in 1996. Finally, the northern parcel is currently zoned R1-144 Residential and included an aging home and miscellaneous outbuildings that were recently demolished.

3. Project Vicinity

a. Existing Zoning & Land Uses

The subject property is surrounded by the following existing zonings and land uses. See Exhibit II-A-4: Existing Zoning and Exhibit II-A-2: Aerial Photograph & Existing Land Uses.

Direction	Existing Zone(s)	Existing Land Use
N	R1-144 Residence Zone	Linda Vista Citrus Tracts No. 2 Subdivision
NE	R1-144 Residence Zone	Canyon Del Oro High School
E	R1-144 Residence Zone	Canyon Del Oro High School
SE	R1-36 Residence Zone	Shadow Mountain Estates Subdivision
S	R1-36 Residence Zone	Shadow Mountain Estates Subdivision
SW	R1-144 Residence Zone	Campo Bello Subdivision
W	R1-144 Residence Zone	Linda Vista Citrus Tracts No. 2 Subdivision
NW	R1-144 Residence Zone	Linda Vista Citrus Tracts No. 2 Subdivision

b. Number of Stories of Existing Structures

Several existing structures stand on the subject property itself. These are single-story and roughly 25-30 feet tall. The residences surrounding the subject property to the north, south, and west are single-story structures. To the east of the subject property, Canyon Del Oro High School contains several large, multi-story structures that are visually more prominent than any other nearby structures. The tallest of these is estimated to be 60-63 feet tall.



c. Pending Rezoning

There are no pending rezonings within one-quarter mile of the subject property.

d. Conditionally Approved Zonings

There are no conditionally approved zonings within one-quarter mile of the subject property.

e. Approved Subdivisions & Development Plans

The Linda Vista Citrus Tracts No. 2 subdivision abuts the northern edge of the subject property and continues across Calle Buena Vista to the west. The Shadow Mountain Estates subdivision is across Calle Concordia from the subject property, and the Campo Bello subdivision is on the opposite corner of Calle Concordia and Calle Buena Vista.

f. Architectural Styles used in Adjacent Properties

Nearby residential structures are typically built of brick, stucco, adobe, or a mixture in the Southwest style. To the east, the buildings on the Canyon Del Oro high school campus are built of cement block and of a more modern style featuring metal and other materials.



Nearby Residence



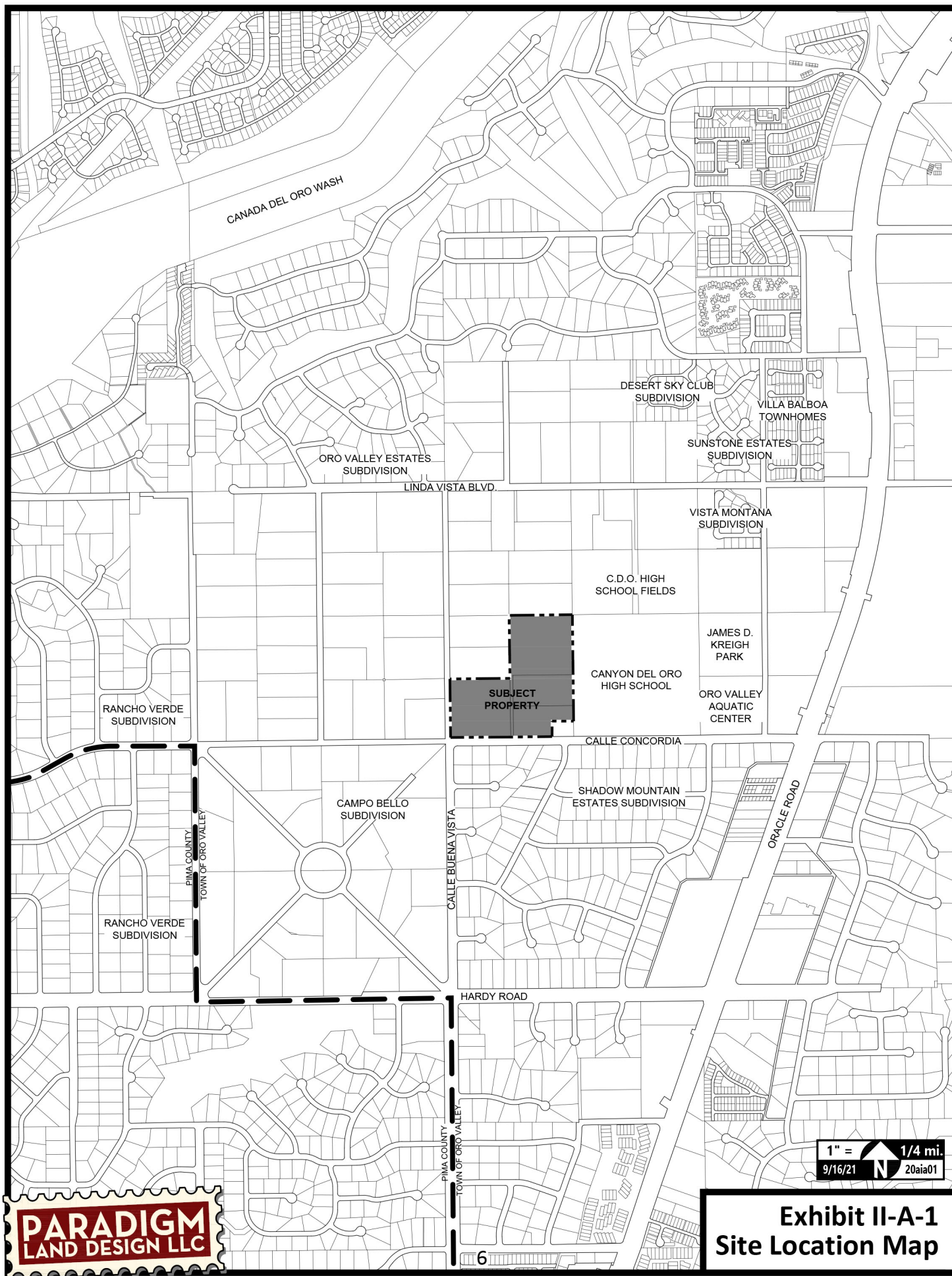
Nearby Residence



One of the CDO High School Buildings

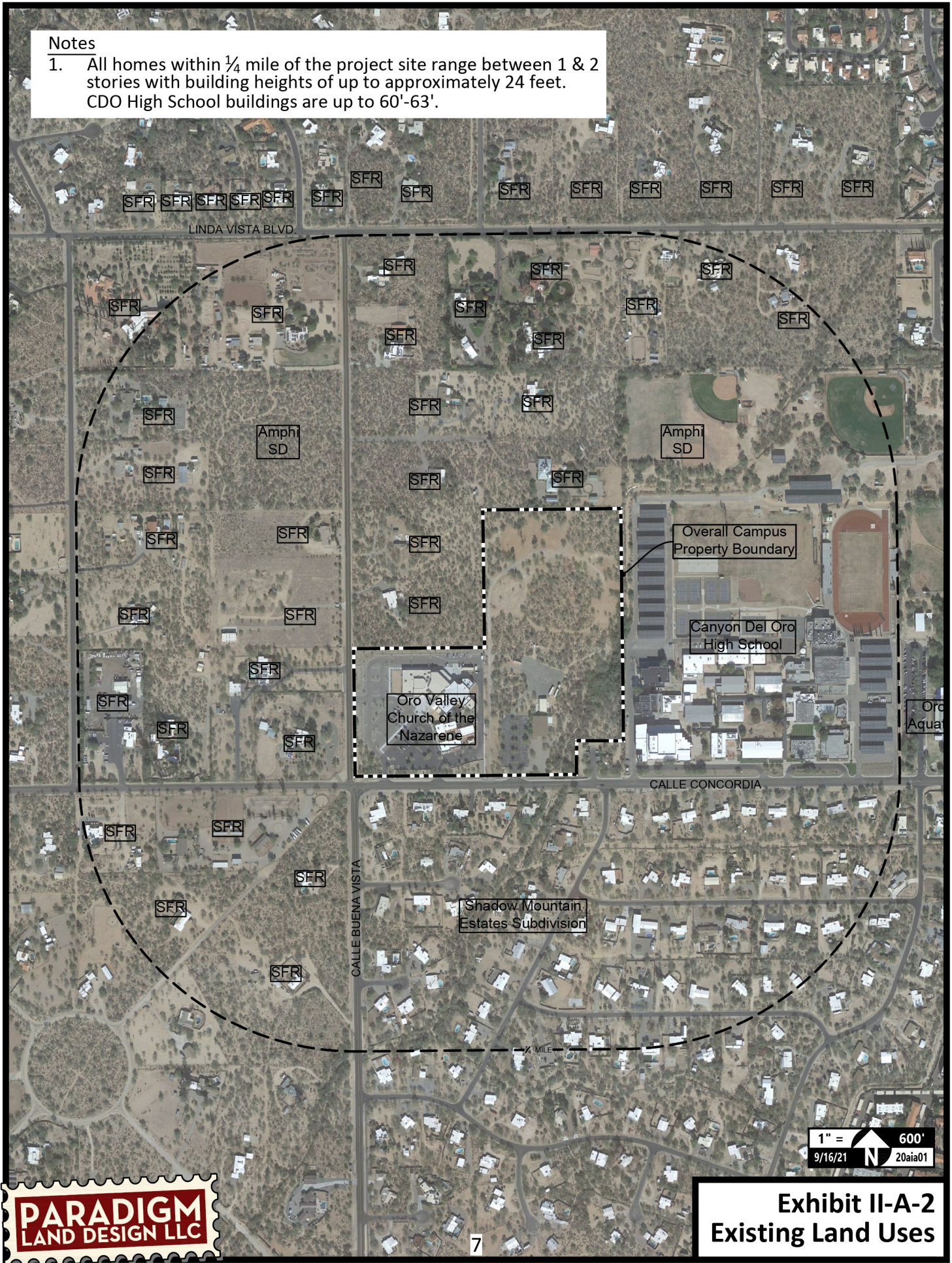


Nearby Residence

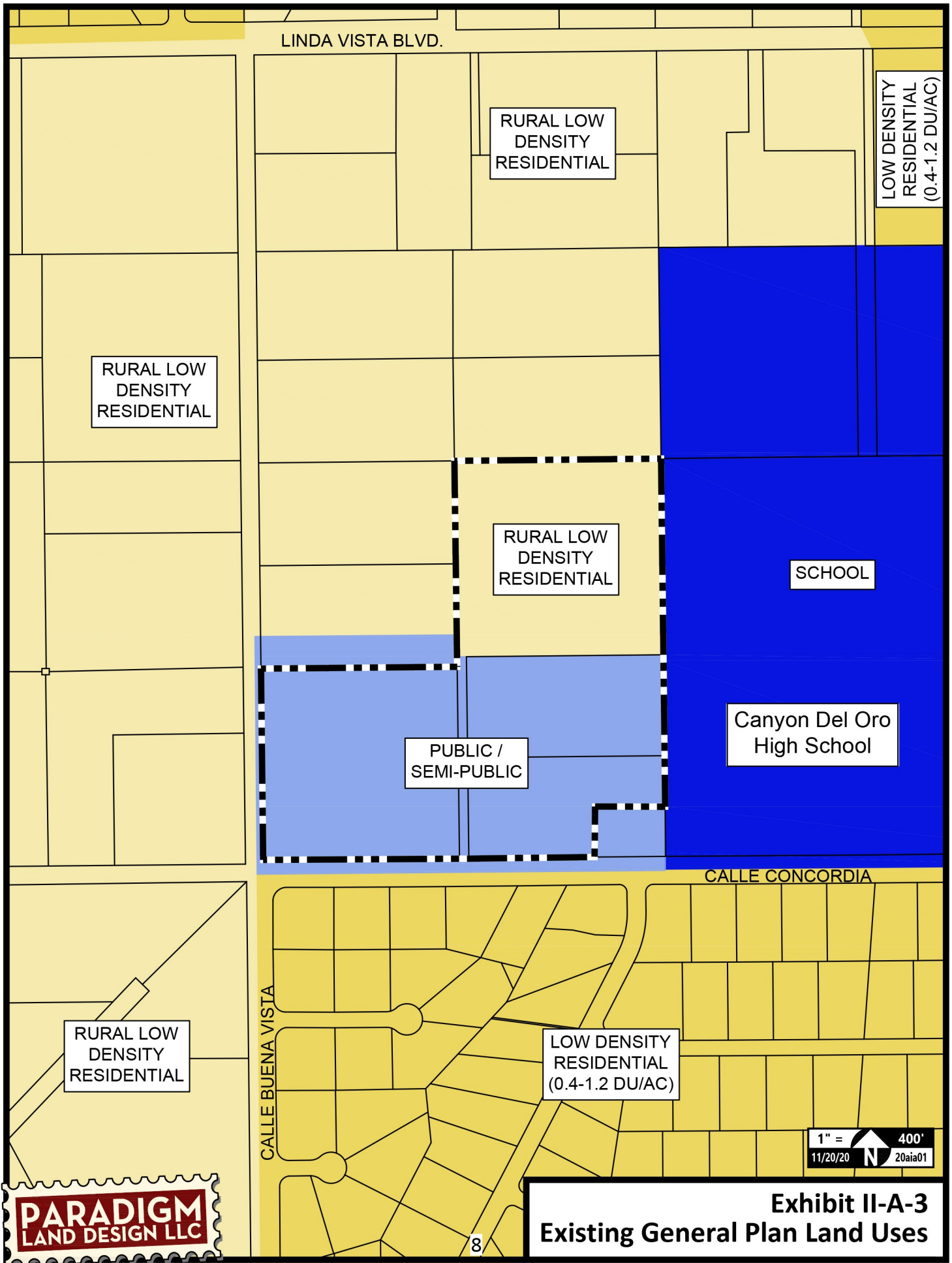


Notes

1. All homes within $\frac{1}{4}$ mile of the project site range between 1 & 2 stories with building heights of up to approximately 24 feet. CDO High School buildings are up to 60'-63'.



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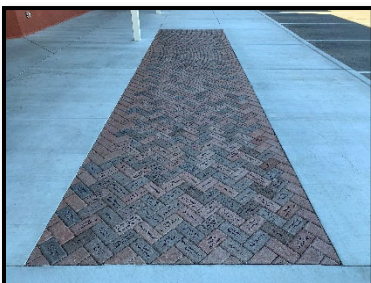
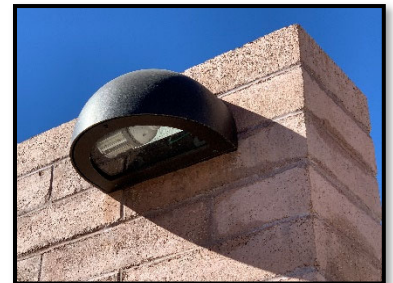
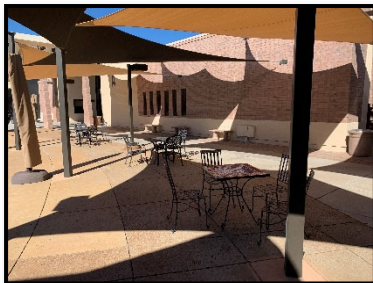


B. PAD DEVELOPMENT PLAN**1. Development Concept & General Plan Consistency**

The primary purpose of this project is evangelism through recreational outreach opportunities. The proposed multi-use building and activity field will provide safe places for athletics including basketball, football, soccer, volleyball, cheerleading, and other sports that can be practiced and played on the activity field or on the sport courts in the multi-use building. OVCN also plans to utilize the facilities for some adult outreach such as fitness classes, although the primary focus is youth athletics. The expanded OVCN campus builds on the existing activity hub centered on CDO High School, the OV Aquatic Center, and James D. Kriegh Park.

Compatibility with OVCN's neighbors will remain a focus. Accordingly, a detailed lighting and photometric plan will be submitted in order to demonstrate that the lighting for the campus expansion (and especially the activity field) will meet the Town's strict outdoor lighting code so that impacts to neighboring property owners are minimized.

Please refer to Exhibit II-B-1: Tentative Development Plan and Appendix 1: General Plan Policy Compliance Analysis. Except as modified herein, development within the OVCN PAD will conform to the Town's standard development regulations.

Example Design Elements within the Existing OVCN Campus

2. Proposed Land Uses

The proposed land uses consist of the aforementioned multi-use building and activity field, an outdoor amphitheater, a small office building, parking areas to serve all of the facilities, and open space for drainage, landscaping, and preservation of environmentally sensitive areas. All proposed land uses are associated with the Church's religious activities. Please see Appendix 3.

3. Development Phasing

This PAD consists of at least two development Phases. All of the existing structures and improvements to the subject property are treated by this PAD as "Existing". Phase 1 is planned to include the activity field and associated parking. Phase 2 is planned to include the multi-use building, amphitheater, administration building expansion, and full build-out of the planned parking areas. Required infrastructure to serve each phase will be constructed by OVCN as necessary on a phase-by-phase basis.

See Exhibit II-B-2: Estimated Phasing Plan.

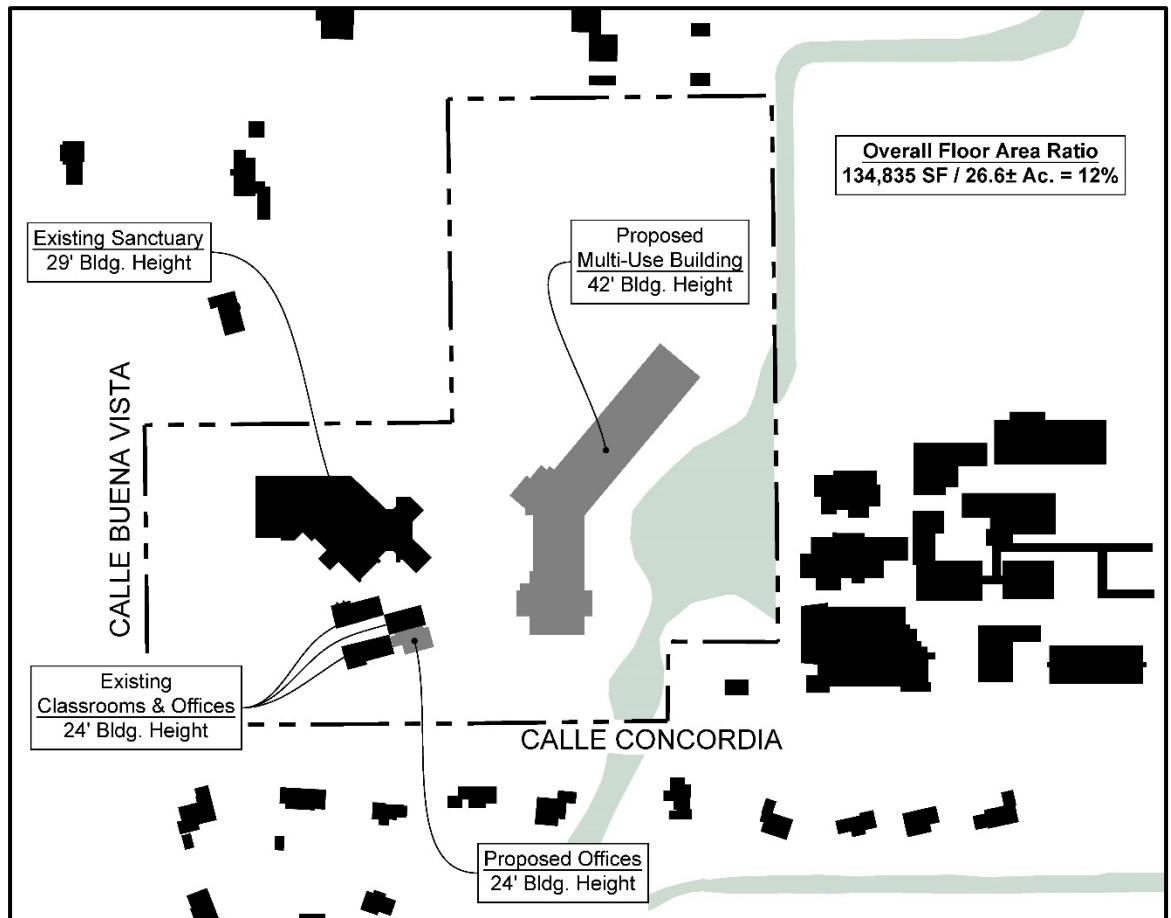
This PAD does not expire.

4. General Development Criteria

- a. Underlying zoning district: As shown on Exhibit II-B-4: Proposed Zoning the northern portion of the PAD will be subject to the development standards of the Residential (R1-144) zoning district and the southern portion of the PAD will be subject to the Private Schools (PS) zoning district, except as modified below.
- b. Hours of Operation for the activity field shall be 6:00 AM to 10:00 PM. Sound amplification may not begin prior to 7:00 AM except on Easter Sunday each year, when amplification may begin at sunrise as part of an Easter sunrise worship service.
- c. No special events intended to draw additional visitors to the magnitude of an organized festival, game, event, or tournament will be permitted on Sundays before 1:00 PM, on Wednesdays between 6:00 – 7:30 PM, or to start or end during the hour surrounding the CDO High School arrival/dismissal times. Exceptions may be granted by the Town Engineer and Planning Director as a Special Use Permit. "Special events" do not include OVCN's normally scheduled Ministries.

d. Modifications to underlying zoning district:

OVZCR Section 23.8.E.1. Building heights within this PAD shall be allowed according to the following diagram:



OVZCR Table 23-1. The land uses listed in Section II.B.2. of this PAD are permitted.

OVZCR Table 23-2A. The proposed 8' screen wall providing visual and acoustical mitigation for neighboring property owners is most effective where shown on the TDP and shall be allowed at that location, which is closer than the R1-144 zoning district's standard setbacks for walls over 6' in height.

See Appendix 2: Summary Table of Zoning Standard Modifications.

e. Alternative Parking Compliance

As with any large church campus the OVCN campus does and will continue to provide many opportunities for various activities throughout the week. The church will continue to be careful to schedule events and services so as not to overload the parking facilities. For example, an event at the proposed student center will not be scheduled on Sunday morning when the main sanctuary is in use for weekly worship services. Additional measures are already instituted such as holding multiple Sunday morning services to spread out the parking demand. During special events such as Christmas and Easter the church has historically worked with Amphi School District to allow parishioners to park at CDO High School and be shuttled to the OVCN campus. Similarly, when CDO has special events such as graduations they have worked with OVCN to allow overflow parking on the OVCN campus. As part of this PAD a new pedestrian and vehicular bridge will be constructed to connect the CDO campus and the OVCN campus, allowing cross-circulation during special events without requiring people to walk or drive on Calle Concordia. Amphi School District and OVCN intend to enter into a formal agreement allowing cross-access and parking during special events. This agreement will benefit both parties and will solve historical issues of overflow parking when either facility has a special event. As a result, onsite parking within the OVCN campus needs only meet the typical daily and weekly operational needs of OVCN:

Facility Letter & Use		Area	Seats	Parking Calc.	Empl.	Parking Req'd.	Parking Prov.	
EXISTING								
'A'	Assembly / Worship	44,635 SF	936	*a	-	235 *d	358 *d	
'B'	Classrooms	11,300 SF	275	*a	-	121 *d		
'C'	Admin. Offices		-	*b	20			
'D'	Classrooms		208	*a	-			
PHASE 1								
'H'	Athletic Field	2.3± Ac.	n/a	*c	-	150	166 *e	
PHASE 2								
'G'	Admin. Offices	3,300 SF	-	*b	10	7	232 *e	
'I'	Multi-Use Bldg.	75,650 SF	600	*a	-	150		
'J'	Amphitheater	n/a	300	*a	-	75		
						30	738	756
*a	1 Space per 4 Seats							
*b	2 Spaces per 3 Employees							
*c	The spaces provided have been determined by Town staff to be adequate.							
*d	Per Approved 2017 Development Plan							
*e	At a minimum each future phase shall provide ADA and bicycle parking according to Town Code.							

Until the Amphi-OVCN agreement is reached a Special Use Permit shall be required for any large OVCN event that is expected to exceed the available onsite parking. The SUP application shall demonstrate acceptable and safe offsite parking provisions.

5. Open Space Concept

Open space within the PAD is provided primarily along the Carmack Wash Critical Resource Area, the Core Resource Area of ironwood trees in the northwest corner of the site, within perimeter bufferyards, landscaped drainage areas, and within pedestrian nodes. The Town's PAD ordinance requires 20% open space, which this PAD provides.

Post-development open space within the subject property will generally fall into one of two broad categories:

Naturalistic Open Space

Critical Resource Areas
Core Resource Areas

Functional Open Space

Manicured Common Areas
Improved Drainage Areas



Naturalistic open space will be protected during development from disturbance and in perpetuity from encroachment and non-permitted uses. The purpose of natural open space areas is to maintain the landscape character, preserve environmentally sensitive areas, and maintain habitat connections along the Carmack Wash.

Functional open space is comprised of onsite areas that have been disturbed but which do not contain structures or extensive impervious surfaces. Functional open space can be found primarily along the project perimeter where landscape bufferyards have been installed, in drainage areas which are also landscaped, and at points of interest such as the outdoor basketball court and pedestrian plazas.

All open space will be owned and maintained by OVCN. See Exhibit II-B-3: Open Space Plan.



6. Landscape, Buffering, & Screening

a. Landscape Concept & Plant Palette

The OVCN PAD's landscape concept will match existing landscaping on the property and will comply with OVZCR landscaping standards. The Town of Oro Valley already has thoughtful and responsible regulations specifying allowable drought tolerant plant material that may be used in landscape installations. Development within the subject property will adhere to the standard Oro Valley plant palette.

b. Native Plant Preservation, Salvage, & Mitigation

The preservation, salvage, and mitigation standards of the Oro Valley Zoning Code shall apply. A Site Resource Inventory has been submitted under separate cover.



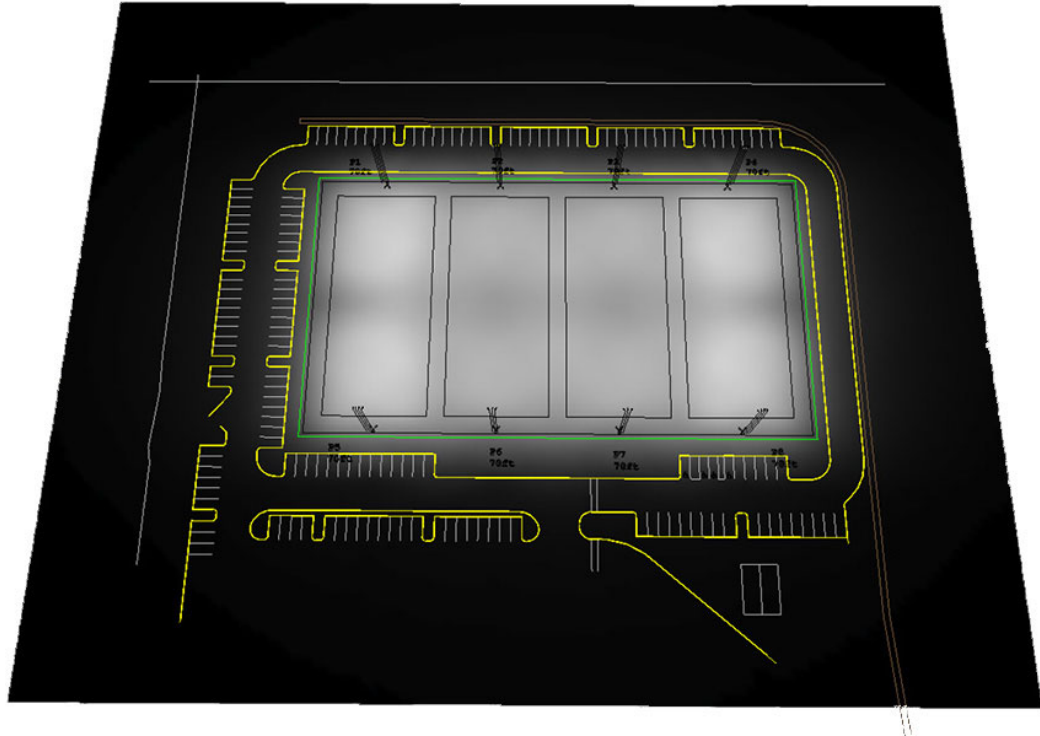
c. Bufferyards & Screening

Development within the subject property is subject to the Town's standard landscape bufferyard and screening requirements, OVZCR 27.6.C, plus additional planting density and noise screen walls where dictated by an acoustical model to be submitted and reviewed by the Town. Accordingly, bufferyards will exist around the perimeter of the PAD.

See Exhibit XIII-B-1: Bufferyards.

7. Lighting

All site lighting within parking areas and mounted on buildings will conform to standard Town Code requirements and restrictions for such applications. Pole-mounted lighting for the activity field will feature specialty fixtures that tightly control the light so that it does not spread much beyond the field itself, thus mitigating potential impacts to neighboring property owners. A detailed lighting study will be submitted to the Town with the construction plans, demonstrating adequate light control. The map below is a preliminary study demonstrating anticipated light management that would be possible with 70-foot poles.



The preliminary design shown above is more stringent than the lighting installation at the Quail Creek Veterans Municipal Park in Green Valley, which earned the International Dark Dry Association's Community-Friendly Outdoor Sports Lighting certification.

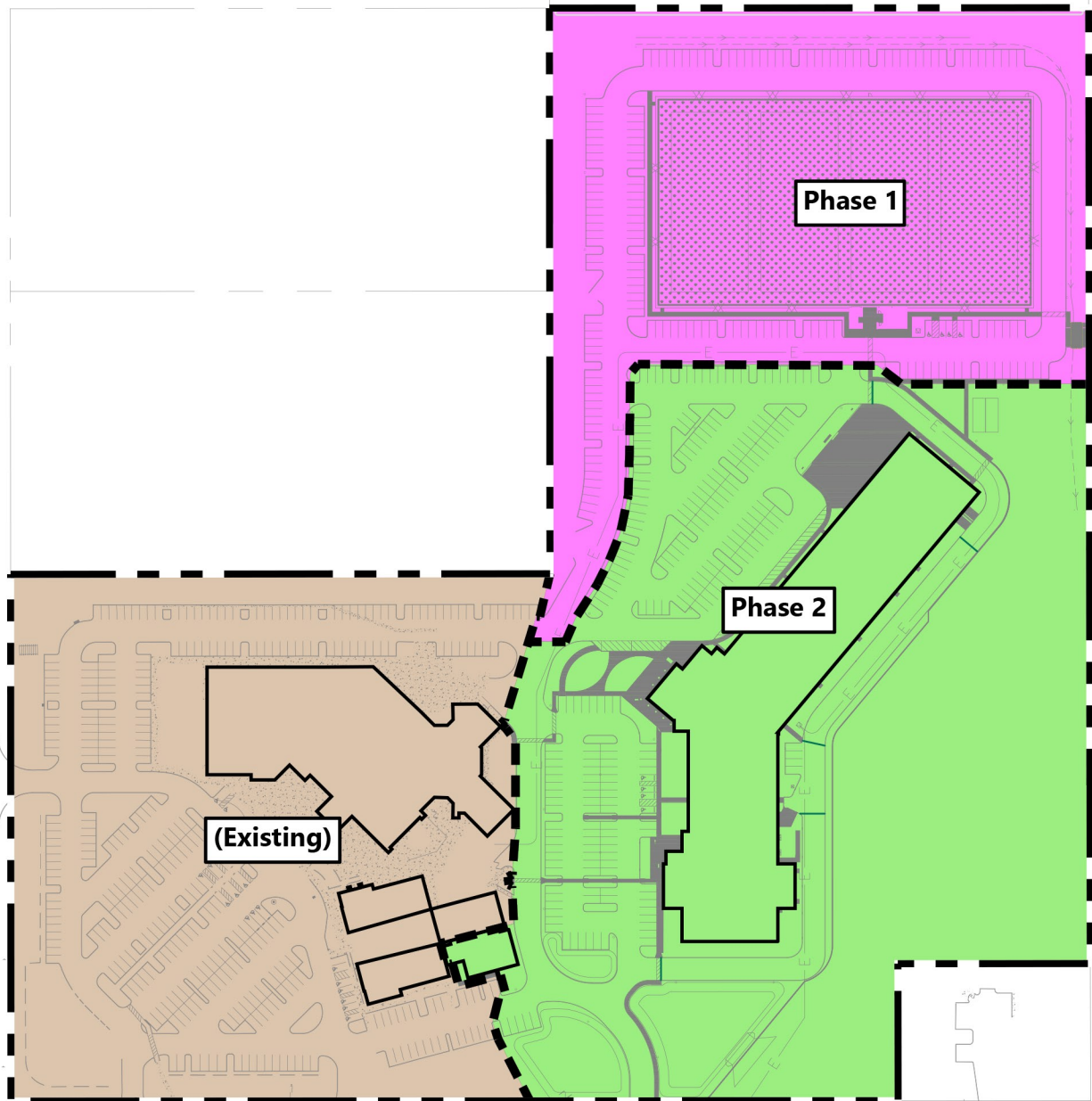
The rated color temperature of the field lighting may not exceed 4000K, which is the minimum recommended by the lighting industry for safety.

Minimal light from the athletic field may spill over into adjacent residential properties, and only within 10-feet of the property boundary. This will protect neighbors, particularly the adjacent neighbor to the north, from unwanted lighting impacts to their property due to their proximity to the athletic field.



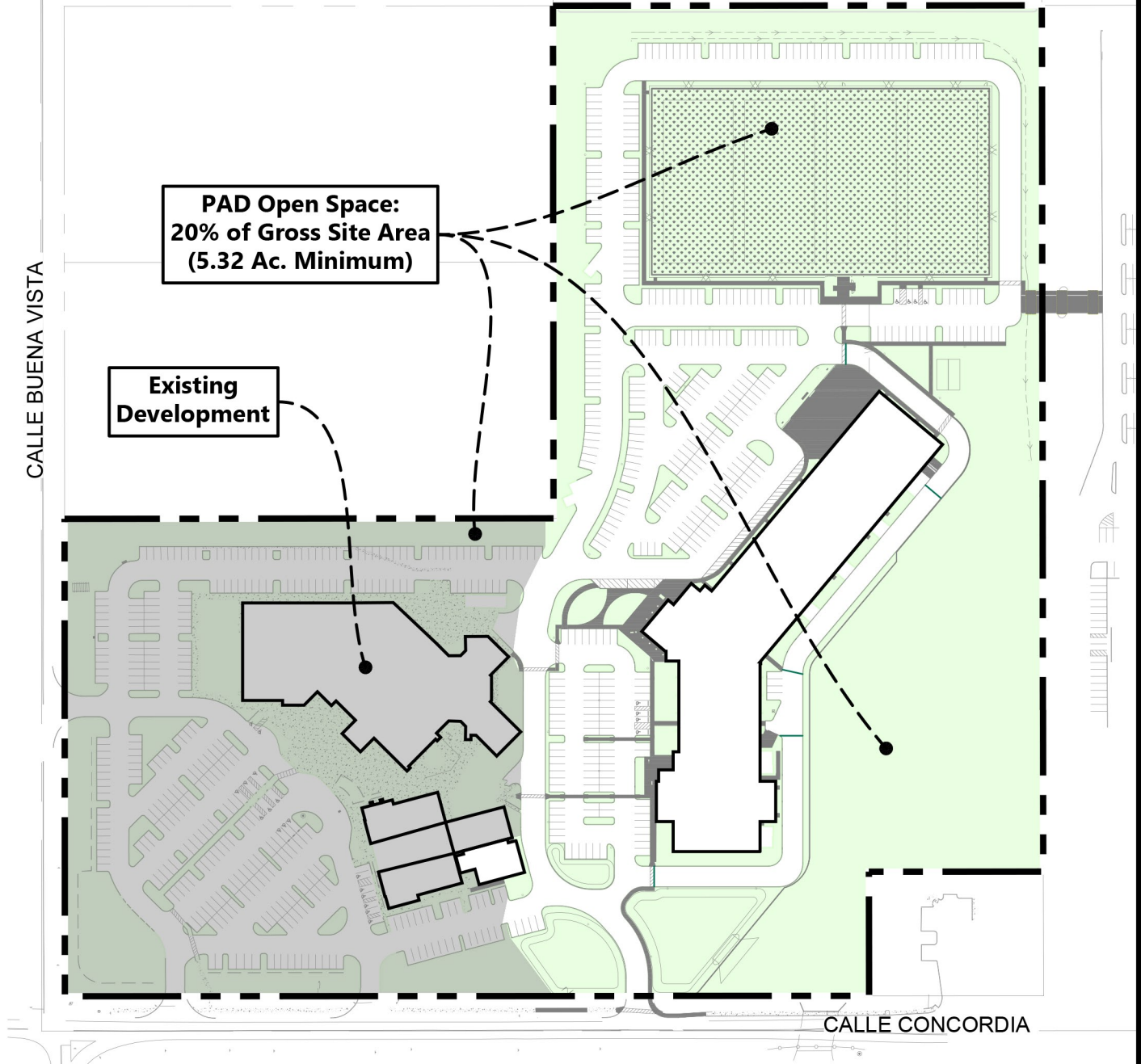
Facility	Use	Area	Seats	Bldg. Height	Empl.	Parking Req'd.
'A'	Assembly	44,635 SF	936	29'	0	235
'B'	Classrooms	11,300 SF	275	24'	0	121
'C'	Admin. Offices		0	24'	20	
'D'	Classrooms		208	24'	0	
'G'	Admin. Offices	3,300 SF	0	24'	10	7
'H'	Athletic Field	2.3± Ac.	n/a	n/a	0	150
'I'	Activity Building	75,650 SF	600	42'	0	150
'J'	Amphitheater	n/a	300	n/a	0	75
		134,885 SF	2,319		30	738

- General Notes
1. Parking Provided: 756. See Sec. II.B.3.c. of the PAD.
 2. Offsite parking for special events is available at C.D.O. High School, per a forthcoming agreement between OVCN and Amphitheater School District.
 3. ESOS Setbacks apply per PAD Sec. III.B.4.
 4. See Exhibit III.B.2. for ESOS calculations.
 5. Open Space Provided: 20%. See Exh. II.B.3.
 6. Perimeter Building Setback: 50'.
 7. Building heights permitted per PAD Sec. II.B.4.b.
 8. Offsite roadway improvements shown schematically. Final design to be per approved traffic report.



Note

Areas with an underlying zoning designation of PS shall provide a minimum of 25% open space.



1" = 200'
10/10/22 N 20aia01



Exhibit II-B-3
Open Space Plan

LINDA VISTA BLVD.

R1-144

R1-144

R1-144

PAD:
R1-144

R1-144

R1-144

R-144

PAD:
PS

Canyon Del Oro
High School

CALLE CONCORDIA

CALLE BUENA VISTA

R1-36

R1-144

**PARADIGM
LAND DESIGN LLC**

20

1" = 400'
10/10/22 N 20aia01

Exhibit II-B-4 Proposed Underlying Zoning

III. ENVIRONMENTALLY SENSITIVE LANDS

A. EXISTING CONDITIONS

1. ESL Categories Onsite

a. Discussion

Two ESL conservation categories are present at the subject property: Critical Resource Area and Core Resource Area. The Critical Resource Area runs along the Carmack Wash forming the eastern edge of the subject property. The Core Resource Area is the edge of a larger Core Resource Area extending well offsite over an area of old-growth ironwoods. There are no Major Wildlife Linkages or Resource Management Tiers within the subject property.

b. Total Acreage Present Onsite for Each Conservation Category

Conservation Category	Acreage
Major Wildlife Linkage	0
Critical Resource Area	2.61
Core Resource Area	0.48
RMA Tier 1	0
RMA Tier 2	0
RMA Tier 3	0

See Exhibit III-B-1: Existing Environmentally Sensitive Lands for the location of Critical Resource Areas and Core Resource Areas mapped on the subject property.

2. Additional ESL Characteristics

a. Critical Resource Areas

- i. There are no Major Rock Outcrops and boulders that meet criteria in OVZCR Section 27.10.D.3.b.iii.b located on the property.
- ii. There are no "Distinct Habitat Resources," as defined in OVCZR Section 27.10.D.3.b.iii.c.

b. Core Resource Areas

- i. There are no Distinctive Native Plant Stands, as defined in OVCRZ Section 27.10.3.d.iii.d. according to the Site Resource Inventory prepared by Ensign Design.

B. PAD RESPONSE

1. Environmentally Sensitive Open Space (ESOS)

Exhibit III-B-2: Proposed Environmentally Sensitive Lands shows the overall Environmentally Sensitive Open Space (ESOS) map for the proposed campus expansion. ESOS calculations are listed below.

Conservation Category	Total Acreage	Minimum ESOS Required	Total ESOS Provided	Total ESOS Percentage
Major Wildlife Linkage	0	n/a	n/a	n/a
Critical Resource Area	2.61	2.48	2.48	95%
Core Resource Area	0.48	0.39	0.39	80%
RMA Tier 1	0	n/a	n/a	n/a
RMA Tier 2	0	n/a	n/a	n/a
RMA Tier 3	0	n/a	n/a	n/a

2. Describe how designated ESOS area preserves priority conservation areas and addresses selection criteria in Section 27.10.E.4.d.

Consistent with the ESL standards, the OVCN PAD provides for permanent protection of 95% of the Critical Resource Area and 80% of the Core Resource Area on the property. No Major Wildlife Linkages or other ESOS categories exist on the subject property. Those Critical and Core Resource Areas have been determined by the Town as the highest priority conservation areas onsite, so they are where post-development ESOS is proposed.

3. Indicate proposed method of permanent protection of ESOS, in accordance with Section 27.10.E.2.

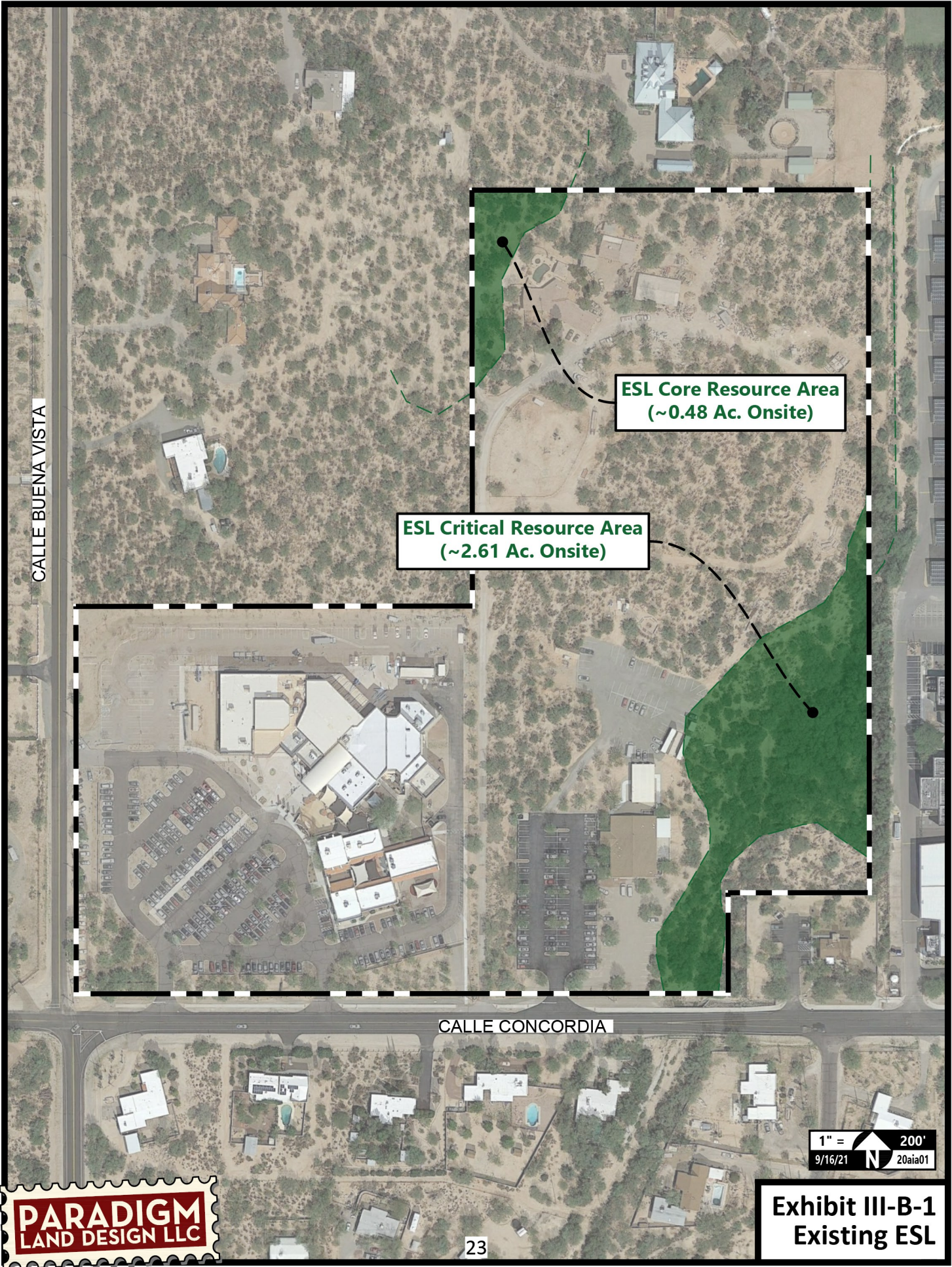
Prior to Final Site Plan approval all ESOS lands (the proposed Critical Resource Area and Core Resource Area) will be permanently protected per ESL standards by an open space easement to be granted via separate instrument, or by a plat per OVZCR 24.4.I.1.

4. ESOS Setbacks

Critical Resource Management ESOS setback requirements, per OVZCR Section 27.10.D.3.f.3.b, shall apply and are modified as follows:

ESOS setbacks shall be 5 feet to all site improvements. In lieu of standard fencing required by the ESOS setback ordinance, special setback mitigation can be used, i.e. boulders or other protective barrier as approved by the Planning & Zoning Administrator during the Final Site Plan / Improvement Plan review and approval phase. If mitigated to resemble the natural conditions, the setback area shall count toward required ESOS.

All open space areas shall be owned and maintained by the OVCN.



ESL Core Resource Area
(~0.48 Ac. Onsite)

ESL Critical Resource Area
(~2.61 Ac. Onsite)

1" = 200'
9/16/21 N 20aia01

PARADIGM
LAND DESIGN LLC

Exhibit III-B-1
Existing ESL

Conservation Category	Total Acreage	ESOS Req'd. & Provided
Major Wildlife Linkage	0	n/a
Critical Resource Area	2.61	2.48 (95%)
Core Resource Area	0.48	0.39 (80%)
Resource Mgmt. Area 1	0	n/a
Resource Mgmt. Area 2	0	n/a
Resource Mgmt. Area 3	0	n/a

CALLE BUENA VISTA

**ESL Core Resource Area
(80% Conservation)**

**ESL Core Resource Area
Proposed Encroachment (20%)**

**Note: This Encroachment is for the
Installation of an Underground
Drainage Pipe. After Installation
this Area will be Regraded
and Hydroseeded/Landscaped
per Applicable Bufferyard Req'mts.**

**ESL Critical Resource Area
Proposed Encroachments (5%)**

**Existing
Development**

CALLE CONCORDIA

**ESL Critical Resource Area
(95% Conservation)
Connectivity to Existing
ESL Open Space is Maintained**

1" = 200'
1/10/22 N 20aia01

**PARADIGM
LAND DESIGN LLC**

IV. TOPOGRAPHY

A. EXISTING CONDITIONS

The topography of the OVCN PAD is characterized by a very gentle slope downward from northeast to southwest, with minor unregulated slopes toward the Carmack Wash in the southeast corner of the subject property. Elevations range from approximately 2,580 feet at the highest point on the north side to approximately 2,566 feet at the lowest point in the wash area in the property's southeast corner, equating to an average slope of approximately 1%. The site does not contain any restricted peaks or ridges, regulated slopes, rock outcrops, or other significant topographic features. No areas of this development are subject to the ESL Hillside Area Category.

Please refer to Exhibit IV-A-1: Topography.

B. PAD RESPONSE

The subject property's lack of topographic constraints allows the grading design to follow the existing gentle terrain without the need for excessive cuts, fills, or slopes. Erosion protection to be installed along the Carmack Wash will be largely underground.

There were no significant slopes identified in the slope analysis, hence no encroachment will occur. Similarly, there are no Hillside Conservation areas in the OVCN PAD.

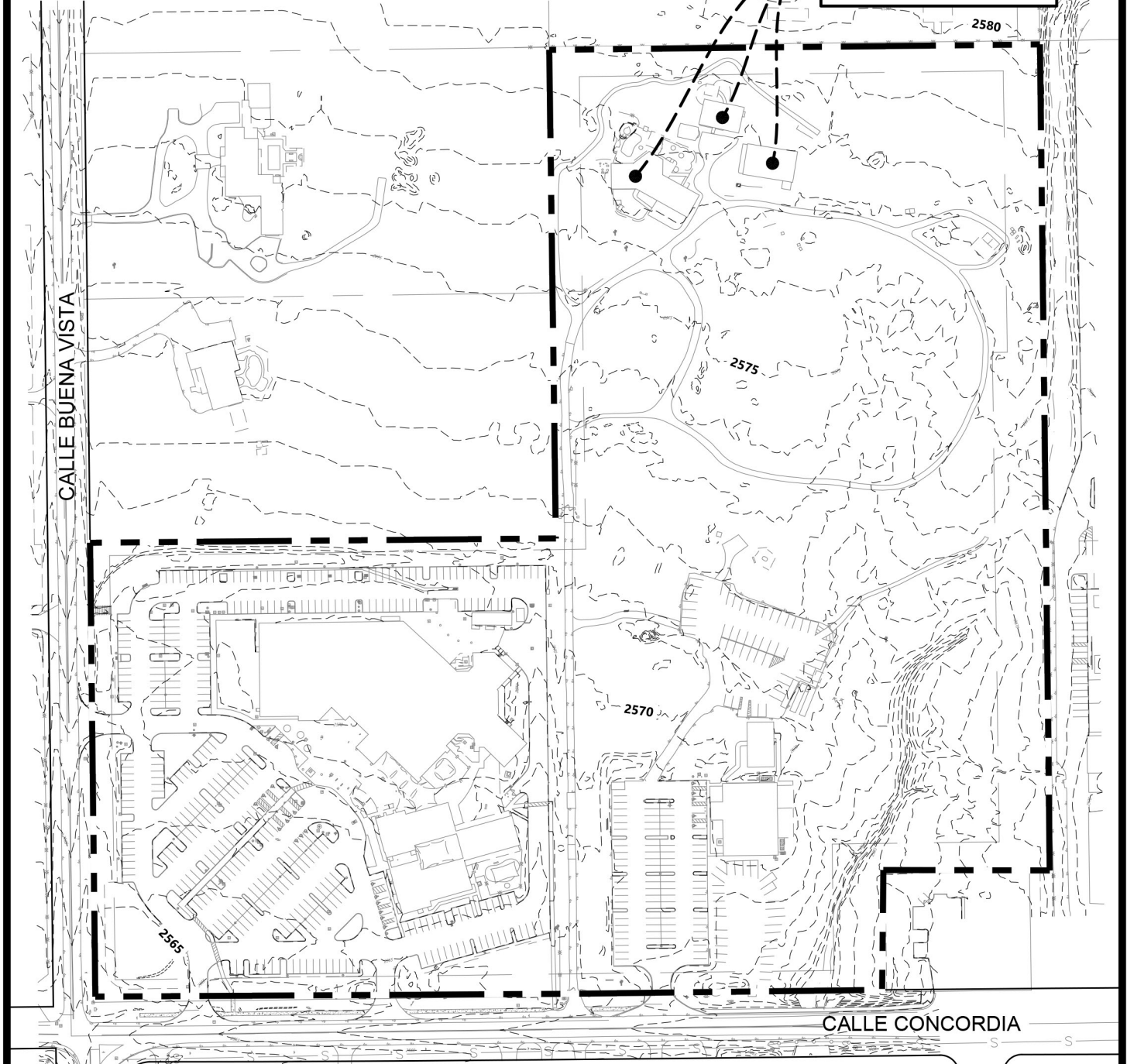
Approximately 2.9 acres of OVCN's expansion area will remain undisturbed and ungraded. Disturbed areas that do not receive structural or hardscape improvements will be landscaped or revegetated per this PAD and the OVZCR.

See Exhibit IV-B-1: Proposed Grading .

Notes

1. There are no regulated rock outcrops or slopes of 15% or greater on the project site.
2. Contour interval shown = 1 foot.

Buildings and Other Improvements Have Been Removed



1" = 200'
11/18/21 N 20aia01

PARADIGM
LAND DESIGN LLC

Exhibit IV-A-1
Topography

**All Vegetation within 20' of the Northern Property Line to Remain in Place except as Necessary to Construct the Screen Wall.
No Grading within 15' of Northern Property Line.**

NOTE: The final grading limits to be determined during the detailed engineering design phase must not encroach into the "Proposed Ungraded Areas" shown hereon. A revision to the SRI may be necessary at that time.

Proposed Ungraded Areas (~2.9 Ac. Min.)

Existing Development

Proposed Graded Areas (~15.4 Ac. Max.)

CALLE BUENA VISTA

CALLE CONCORDIA

1" = 200'
10/13/22 N 20aia01

**PARADIGM
LAND DESIGN LLC**

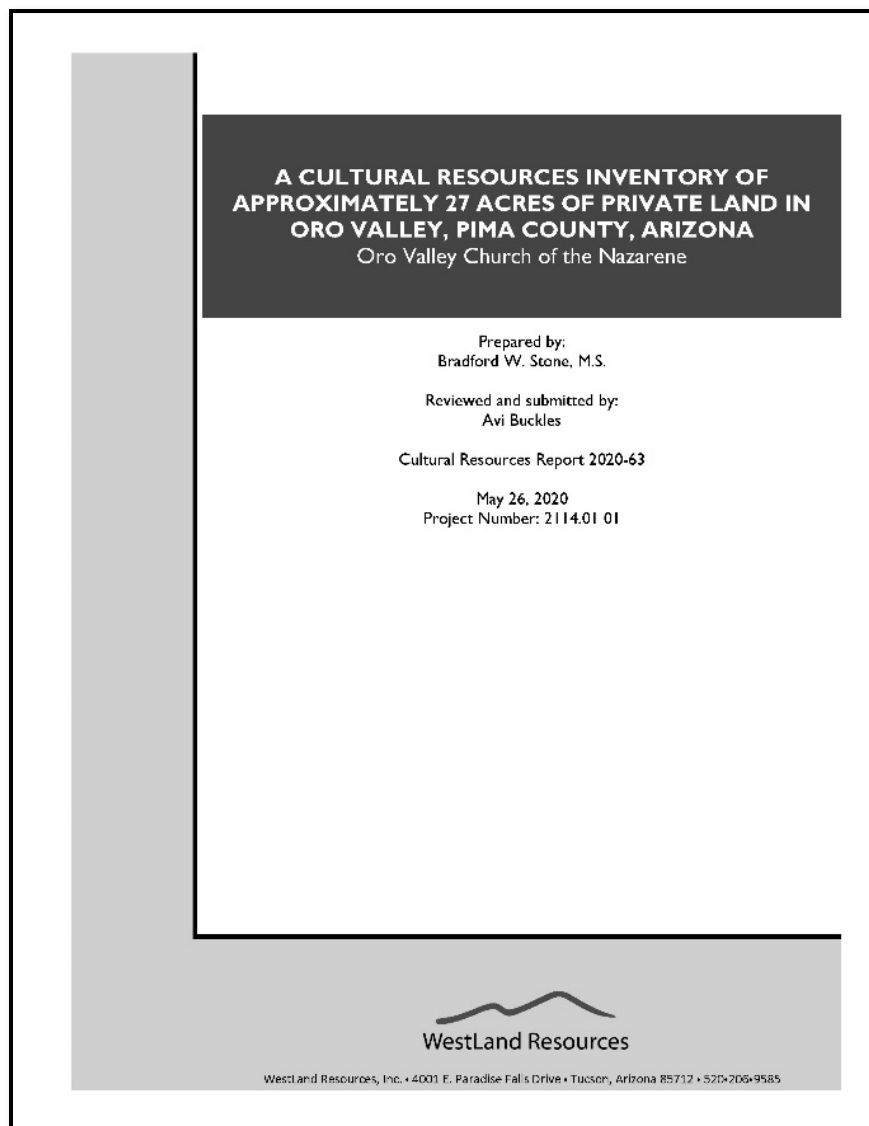
V. CULTURAL / ARCHAEOLOGICAL / HISTORIC RESOURCES

A. EXISTING CONDITIONS

The site was surveyed for cultural resources in May 2020 by WestLand Resources. Their report has been submitted to the Town for review. No notable cultural resources were found onsite, and WestLand recommends no additional archaeological work. The probability that archaeological resources exist below the surface of the ground is believed to be low.

B. PAD RESPONSE

An archaeological treatment plan is not required based on the results of the WestLand survey. As with all development projects, if human remains or other culturally sensitive items are uncovered during construction, work in the area will cease until a professional archaeologist can evaluate the find.



VI. HYDROLOGY

This section of the site analysis describes onsite and offsite hydrologic and hydraulic characteristics and is based on information provided by Cypress Engineering.

A. EXISTING CONDITIONS

1. Offsite Watersheds

Two offsite watersheds impact the subject property. One is approximately 7.5 acres in size, is predominately developed by low density residential uses, and brings less than 100 cubic feet per second ("CFS") to the subject property during a 1% annual chance storm event. The Carmack Wash watershed, which impacts the eastern edge of the site, is approximately 14.7 acres in size and is populated by a mix of developments. Near the subject property the Carmack Wash experiences flows in excess of 100 CFS during major storms. See Exhibit VI-A-1: Offsite Watershed Map.

2. Balanced & Critical Basins.

Per Section 11.3 of the Oro Valley Drainage Criteria Manual, "all basins within the Town of Oro Valley shall be considered Critical Basins." As a result of this Critical Basin designation, the 100-year flood stormwater flows exiting the site in the proposed condition are required to match the existing condition flows or be reduced by means of detention and/or other rainwater harvesting techniques.

3. Significant Offsite Features

The Carmack Wash is channelized adjacent to, and immediately north of, the subject property. It is also channelized approximately one-third of a mile northeast of the site as it courses through the Sunstone Estates subdivision.

Three primary tributaries feed into the Carmack Wash upstream of the site from the east. All three flow through box culverts under Oracle Road.

See Exhibit VI-A-1: Offsite Watershed Map.

4. Onsite Hydrology

a. Approximate 100-year floodplains with discharges equal to or greater than 50 CFS

The Carmack Wash floodplain is the only floodplain impacting the subject property with greater than 50 CFS. Approximately 1,076 CFS enters the site from the northeast. A tributary wash flows into the Carmack Wash through the CDO High School campus, resulting in an exit flow of approximately 1,191 CFS. A portion of the subject property is located in a locally administered Special Flood Hazard Area (regulatory floodplain) as shown in the Carmack Wash Floodplain Mapping Study (RFCD, 2019).

b. Areas of Sheet Flooding, with Average Depths

Onsite areas of sheet flooding are minimal, and only impact the northeastern corner of the site where the Carmack Wash channel makes a hard bend within the CDO High School Campus. Average depths are less than 6". See Exhibit VI-A-1: Offsite Watershed Map.

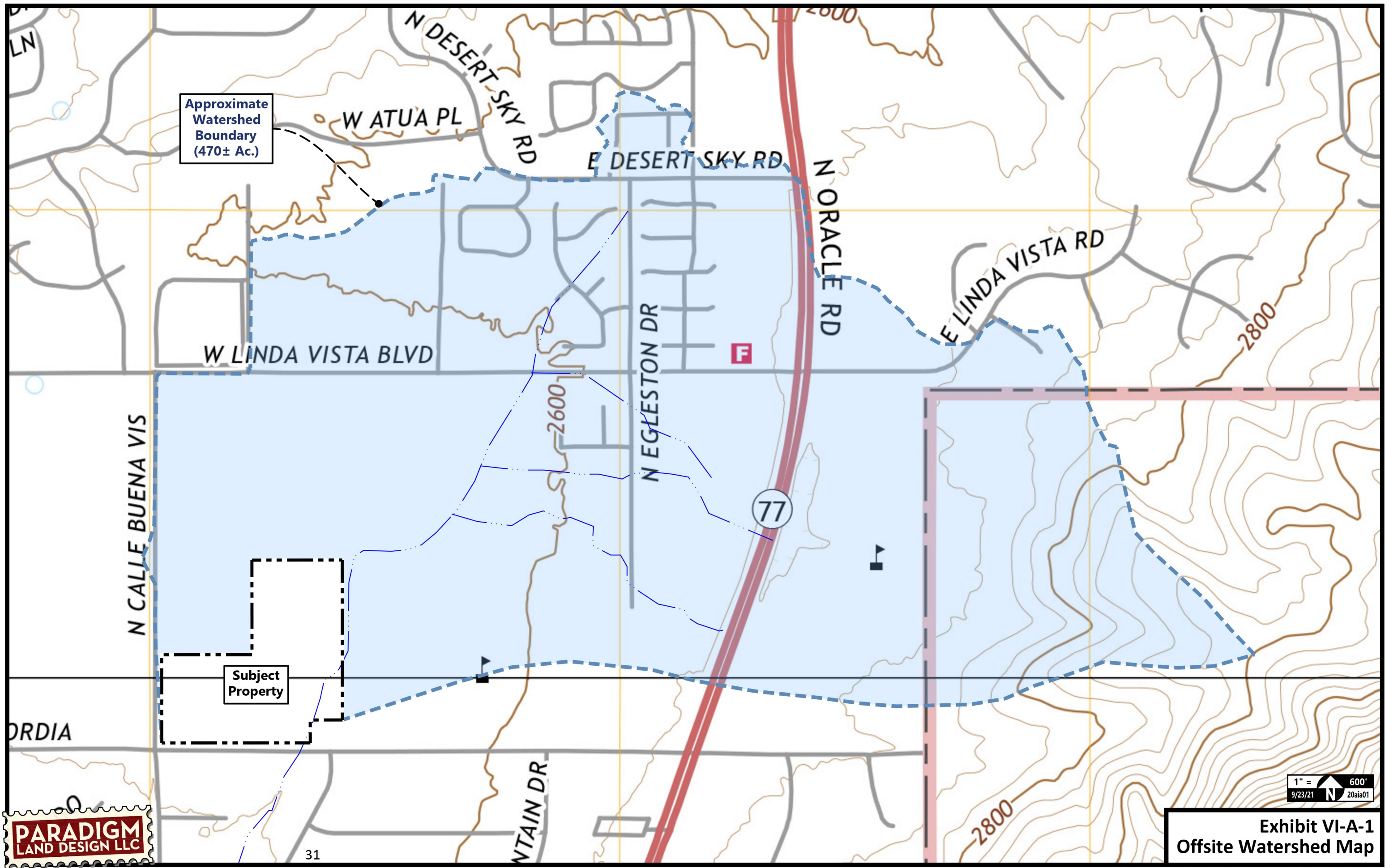
c. Federally Mapped Floodways and Floodplains

According to the Federal Emergency Management Agency Flood Insurance Rate Map Panel FM04019C1090L, dated June 16, 2011, the Parcel is located in unshaded Zone X, which is an area determined to be outside the 500-year floodplain.

5. Drainage Along Downstream Property Line

Drainage leaves the OVCN campus expansion area via the Carmack Wash and its culvert under Calle Concordia. West of the Carmack Wash onsite flows collect and flow along the northern edge of Calle Concordia into an onsite basin at the northeast corner of Calle Concordia and Calle Buena Vista. From that basin, stormwater sheet flows across the intersection to the southwest.





Approximate
Watershed
Boundary
(470± Ac.)

Subject
Property



Exhibit VI-A-1
Offsite Watershed Map

B. PAD RESPONSE

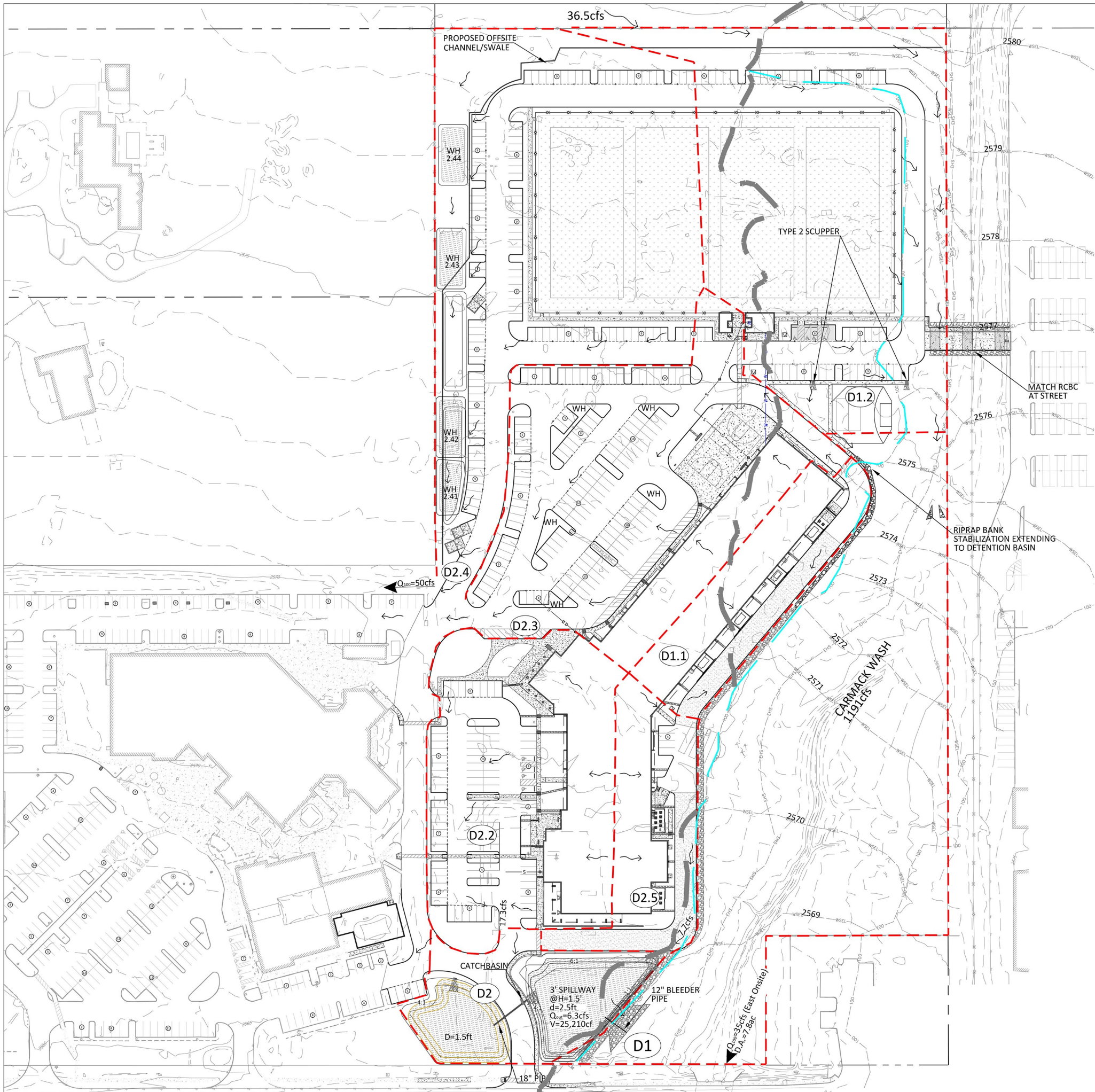
Existing offsite drainage flows will not be affected by the development. Additional stormwater runoff created by proposed impervious surfaces will be collected in drainage basins and then metered into the Carmack Wash in order to prevent increases to pre-development flow volumes and velocities. A drainage report by Arroyo Engineering has been submitted under separate cover, regarding allowable encroachment into the Carmack Wash. This proposed campus expansion is in accordance with Arroyo's recommendations, which do not result in impacts to downstream properties or to the CDO High School campus, which forms the eastern bank of the Carmack Wash. During the detailed engineering phase an assessment will be prepared of pre- vs. post- development flood depths and velocities to address Section 17-5-8(A)(b) of the TOV floodplain ordinance. Section 17-5-8(A)(b) limits increases in flood depths and velocities associated with development. Therefore, it is possible that improvements, in the existing 100-year floodplain, presented in this PAD, may not be permitted as proposed. The assessment will also demonstrate that the flows crossing the parking lot and channel crossing will generally be less than 10 cfs during a 50% AEP flood event, and less than 50 cfs in a 1% AEP flood event, with a maximum flow depth of 6 inches.

Erosion protection will be installed along the east edge of the proposed site improvements where necessary to mitigate the erosion hazard area associated with the Carmack Wash. The Final Site Plan package and Drainage Report will include a recommended design cross-section for the erosion protection, which is expected to be mostly subsurface. See Exhibit VI-B-1: Proposed Drainage Plan.

All drainage design will conform to the Oro Valley Drainage Criteria Manual and Floodplain Ordinance. This project will result in modification of the regulatory floodplain limits. A Floodplain Use Permit will be required.



Existing Drainage Area Onsite



LEGEND

- $Q_{100}=D.A.=1.0\text{ AC}$

CONCENTRATION POINT
- WATERSHED BOUNDARY
- EXISTING 100-YEAR FLOOD LIMITS
- PROPOSED 100-YEAR FLOOD LIMITS
- PROJECT AREA
- POTENTIAL WATER HARVEST AREA(S)
- FLOW DIRECTION
- WATERSHED DESIGNATOR

SCALE 1"=100'
C.I. = 1 ft

CP	Q100 (cfs)
D1	31.1
D1.1	8.1
D1.2	19.3
D2	5.2
D2.2	17.3
D2.3	24.5
D2.4	25.8
D2.5	7.7

CALLE CONCORDIA RD



CYPRESS PROJECT NO: 20.132

2030 east speedway boulevard
suite #110
tucson, arizona 85719
ph: 520.499.2456
cypresscivil.com

EXHIBIT VI - B -1
PROPOSED DRAINAGE MAP
for
ORO VALLEY CHURCH OF THE NAZARINE
EXPANSION

VII. WILDLIFE

A. EXISTING CONDITIONS

1. Arizona Game & Fish Review

A detailed response letter, dated 6/4/2020, was received from the Arizona Game and Fish Department. See Exhibit VII-A-1: AZGFD Online Review Results.

a. State-listed Threatened or Endangered Species

There are no State-listed Threatened or Endangered Species known to exist onsite.

While the AZGFD report does not list any special status species on the subject property itself, it does list several species as special status species documented within 3 miles of the project vicinity. These species are as follows: Pima Indian Mallow (*Abutilon parishii*), Mexican Long-tongued Bat (*Choeronycteris mexicana*), Monarch (*Danaus plexippus*), American Peregrine Falcon (*Falco peregrinus anatum*), Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*), Sonoran Desert Tortoise (*Gopherus morafkai*), Reticulate Gila Monster (*Heloderma suspectum sustectum*), Gila Monster (*Heloderma suspectum*), Western Yellow Bat (*Lasiurus xanthinus*), Lesser Long-nosed Bat (*Leptonycteris yerbabuena*), Lowland Leopard Frog (*Lithobates yavapaiensis*), Stag-horn Cholla (*Opuntia versicolor*), and Desert Box Turtle (*Terrapene ornate luteola*).

b. High Densities of a Given Species Population or Unusually High Diversity of Species

Neither high densities nor a particular diversity of species was noted in the AZGFD report.

c. Aquatic or Riparian Ecosystems

A riparian area was reported to exist within the vicinity of the subject property. Although the AZGFD report is not specific as to the location of the reported riparian area, it is assumed that the report refers to the Carmack Wash, which this project largely avoids.

B. PAD RESPONSE

To maintain habitat viability, the OVCN campus expansion plan preserves habitat connectivity by permanently preserving the primary wash corridor on the site to serve as a movement corridor for wildlife. The Critical and Core Resource Areas onsite will be protected during site construction in accordance with Town protocols and preserved in accordance with ESLO standards. Unbuilt areas disturbed during construction will be revegetated.

Should any of the aforementioned species be encountered during site development, all specimens shall be handled in accordance with AZGFD handling guidelines.

Exhibit VII-A-1: AZGFD Online Review Results

Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

Oro Valley Church of the Nazarene Campus Expansion Rezoning

Project Description:

Proposed rezoning to PAD to allow development of the subject property

Project Type:

Development Within Municipalities (Urban Growth), Public & Community Facilities (school, library, church) and associated infrastructure, New construction

Contact Person:

Paul Oland

Organization:

Paradigm Land Design LLC

On Behalf Of:

CONSULTING

Project ID:

HGIS-11322

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene__36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene__36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Recommendations Disclaimer:

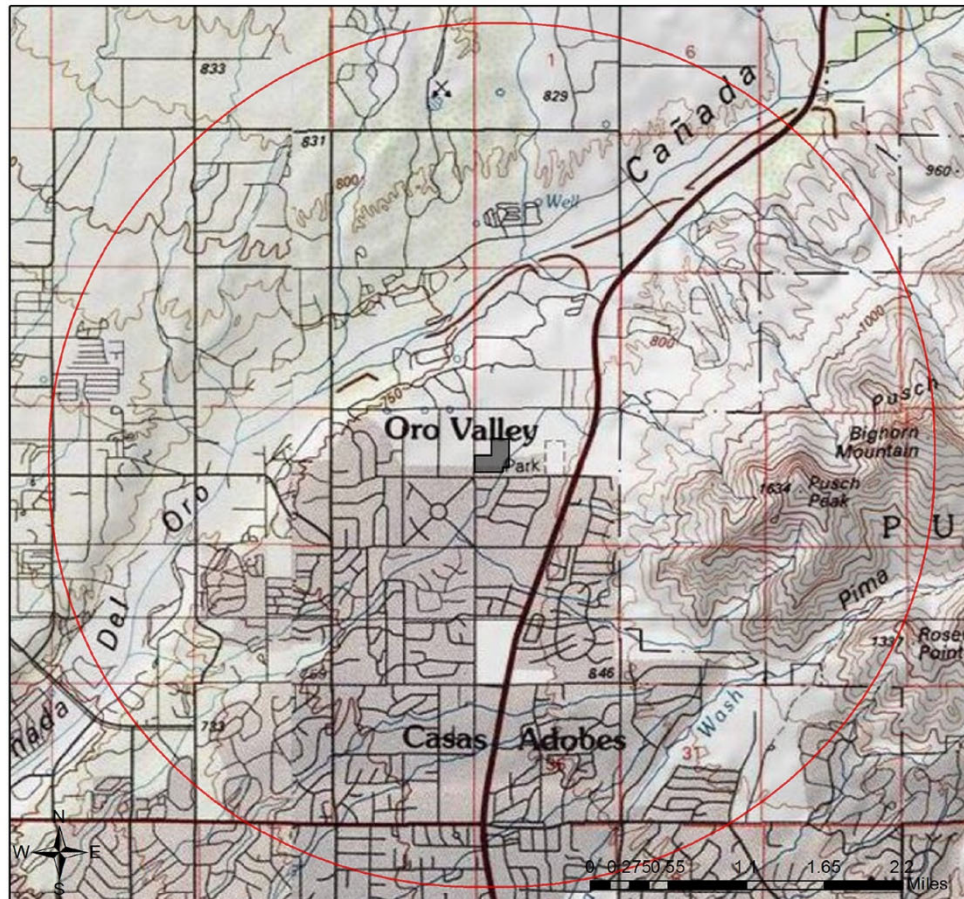
1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene_36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Oro Valley Church of the Nazarene Campus Expansion Rezoning
USA Topo Basemap With Locator Map



- Project Boundary
- Buffered Project Boundary

Project Size (acres): 27.22

Lat/Long (DD): 32.3752 / -110.9762

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T12S, R13E

USGS Quad(s): ORO VALLEY; TUCSON NORTH

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap



Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

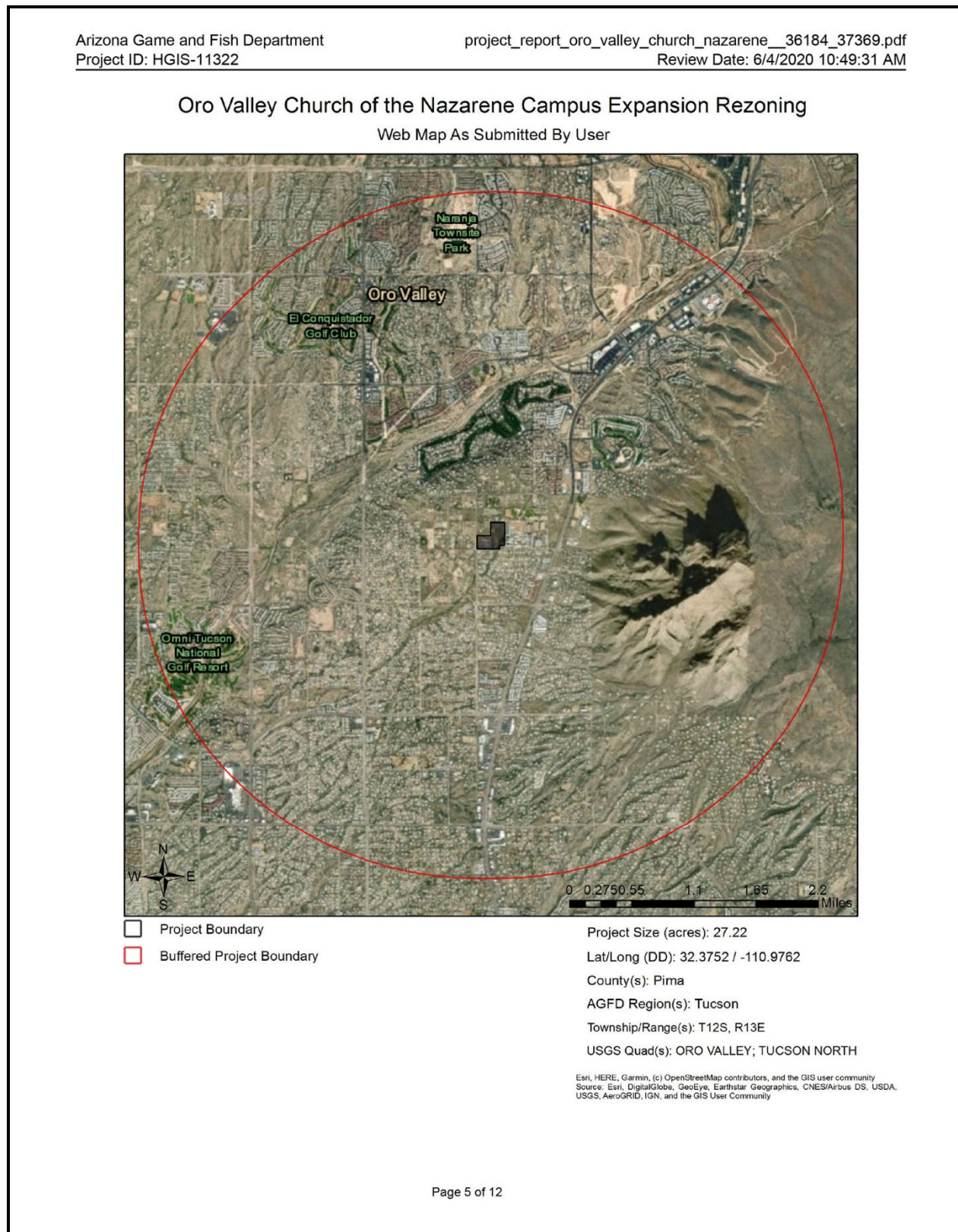


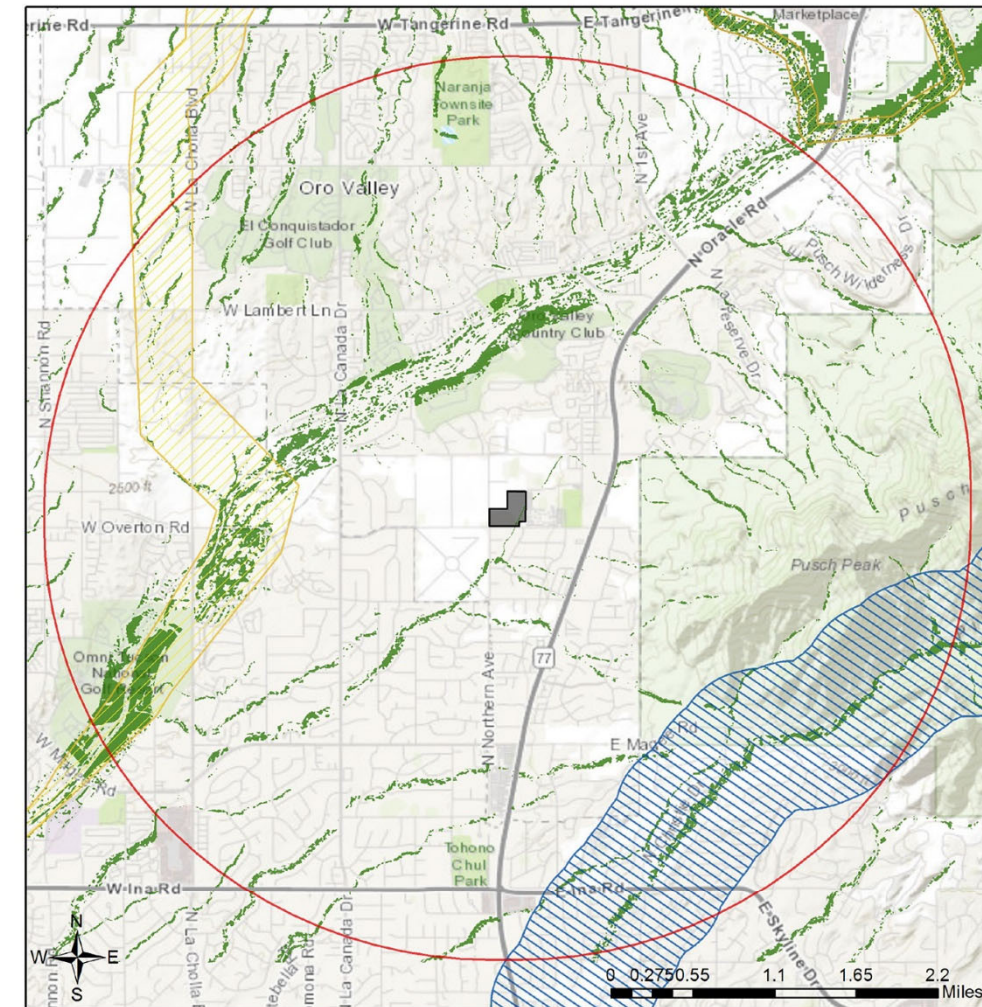
Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene_36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Oro Valley Church of the Nazarene Campus Expansion Rezoning

Important Areas



- | | |
|--------------------------------------|--|
| Project Boundary | Wildlife Movement Area - Riparian/Wash |
| Buffered Project Boundary | Wildlife Connectivity |
| County Stakeholder Assessment | Important Connectivity Zones |
| Wildlife Crossing Area | Pinal County Riparian |
| Wildlife Movement Area - Diffuse | Critical Habitat |
| Wildlife Movement Area - Landscape | Important Bird Areas |

Project Size (acres): 27.22

Lat/Long (DD): 32.3752 / -110.9762

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T12S, R13E

USGS Quad(s): ORO VALLEY; TUCSON NORTH

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

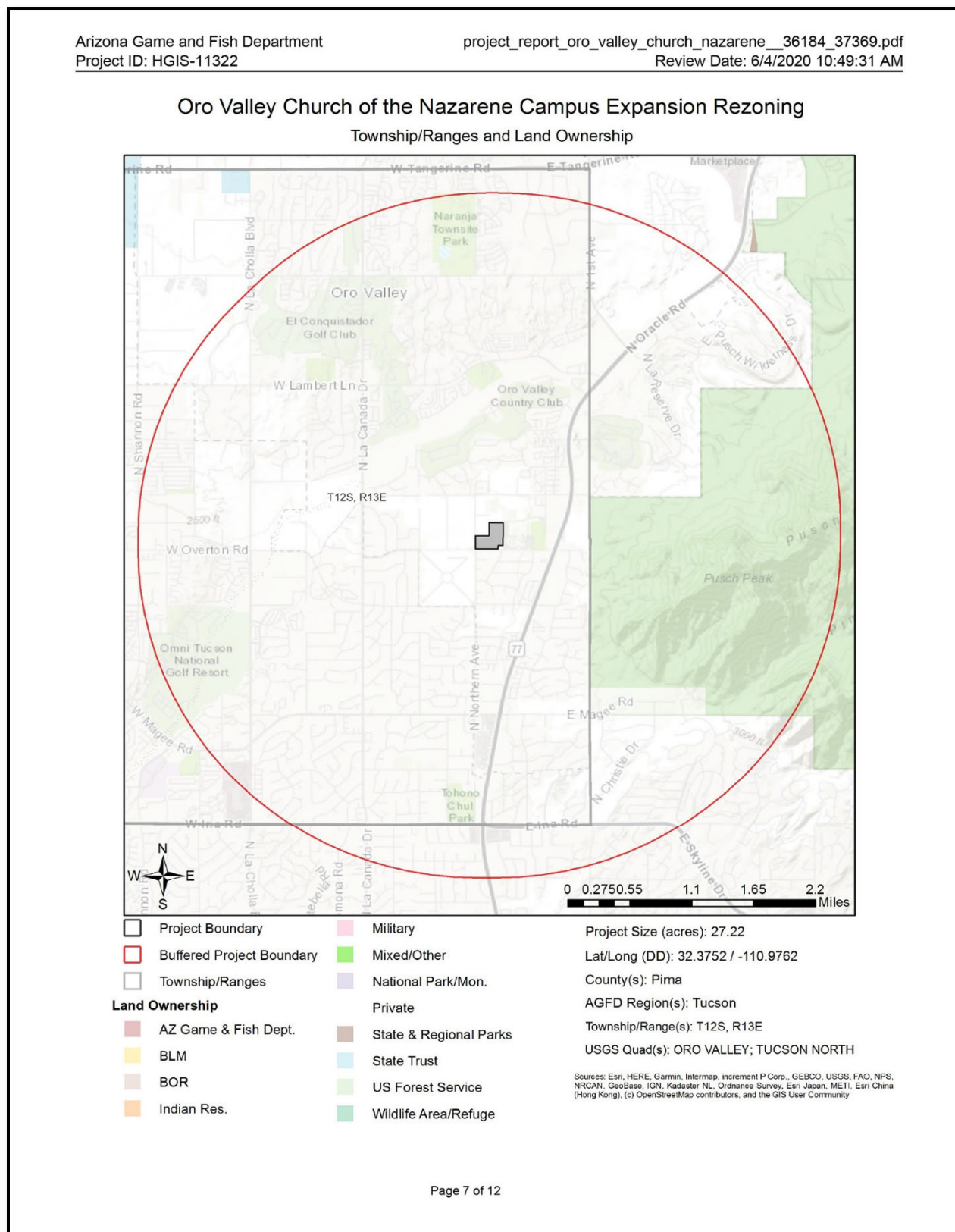


Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene_36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Abutilon parishii	Pima Indian Mallow	SC	S	S	SR	
Choeronycteris mexicana	Mexican Long-tongued Bat	SC	S	S		1C
Danaus plexippus	Monarch			S		
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1A
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	SC	S	S		1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1A
Heloderma suspectum suspectum	Reticulate Gila Monster					1A
Heloderma suspectum	Gila Monster					1A
Lasiurus xanthinus	Western Yellow Bat		S			1B
Leptonycteris yerbabuenae	Lesser Long-nosed Bat	SC				1A
Lithobates yavapaiensis	Lowland Leopard Frog	SC	S	S		1A
Opuntia versicolor	Stag-horn Cholla				SR	
Terrapene ornata luteola	Desert Box Turtle			S		1A

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Special Areas Documented within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Riparian Area	Riparian Area					

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Aix sponsa	Wood Duck					1B
Ammospermophilus harrisi	Harris' Antelope Squirrel					1B
Anthus spragueii	Sprague's Pipit	SC				1A
Antrostomus ridgwayi	Buff-collared Nightjar		S			1B
Aspidoscelis stictogramma	Giant Spotted Whiptail	SC	S			1B
Aspidoscelis xanthonota	Red-backed Whiptail	SC	S			1B
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		1B
Calypte costae	Costa's Hummingbird					1C
Chilomeniscus stramineus	Variable Sandsnake					1B
Colaptes chrysoides	Gilded Flicker			S		1B
Coluber bilineatus	Sonoran Whipsnake					1B
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1B
Crotalus tigris	Tiger Rattlesnake					1B
Cynanthus latirostris	Broad-billed Hummingbird		S			1B
Dipodomys spectabilis	Banner-tailed Kangaroo Rat			S		1B

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene__36184_37369.pdf
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Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Empidonax wrightii</i>	Gray Flycatcher					1C
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	SC	S	S		1A
<i>Glaucidium brasilianum cactorum</i>	Cactus Ferruginous Pygmy-owl	SC	S	S		1B
<i>Gopherus morafkai</i>	Sonoran Desert Tortoise	CCA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Incilius alvarius</i>	Sonoran Desert Toad					1B
<i>Lasiurus blossevillii</i>	Western Red Bat		S			1B
<i>Lasiurus xanthinus</i>	Western Yellow Bat		S			1B
<i>Leopardus pardalis</i>	Ocelot	LE				1A
<i>Leptonycteris yerbabuenae</i>	Lesser Long-nosed Bat	SC				1A
<i>Lepus alleni</i>	Antelope Jackrabbit					1B
<i>Lithobates yavapaiensis</i>	Lowland Leopard Frog	SC	S	S		1A
<i>Macrotus californicus</i>	California Leaf-nosed Bat	SC		S		1B
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Melospiza lincolni</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Micrathene whitneyi</i>	Elf Owl					1C
<i>Micruroides euryxanthus</i>	Sonoran Coralsnake					1B
<i>Myiarchus tyrannulus</i>	Brown-crested Flycatcher					1C
<i>Myotis occultus</i>	Arizona Myotis	SC		S		1B
<i>Myotis velifer</i>	Cave Myotis	SC		S		1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Oreoscoptes montanus</i>	Sage Thrasher					1C
<i>Oreothlypis luciae</i>	Lucy's Warbler					1C
<i>Panthera onca</i>	Jaguar	LE				1A
<i>Peucaea carpalis</i>	Rufous-winged Sparrow					1B
<i>Phrynosoma solare</i>	Regal Horned Lizard					1B
<i>Phyllorhynchus browni</i>	Saddled Leaf-nosed Snake					1B
<i>Progne subis hesperia</i>	Desert Purple Martin			S		1B
<i>Sphyrapicus nuchalis</i>	Red-naped Sapsucker					1C
<i>Spizella breweri</i>	Brewer's Sparrow					1C
<i>Tadarida brasiliensis</i>	Brazilian Free-tailed Bat					1B
<i>Toxostoma lecontei</i>	LeConte's Thrasher			S		1B
<i>Vireo bellii arizonae</i>	Arizona Bell's Vireo					1B
<i>Vulpes macrotis</i>	Kit Fox	No Status				1B

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene_36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

Species of Economic and Recreation Importance Predicted within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Odocoileus hemionus	Mule Deer					
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Within Municipalities (Urban Growth), Public & Community Facilities (school, library, church) and associated infrastructure, New construction

Project Type Recommendations:

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/quality/?cid=stelprdb1044769> The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information <https://www.azgfd.com/hunting/regulations>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene__36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefuna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (<https://new.azwater.gov/>).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (<http://www.usace.army.mil/>).

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at PEP@azgfd.gov or at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/> and <https://www.azgfd.com/Wildlife/LivingWith>.

Project Location and/or Species Recommendations:

HDMS records indicate that one or more native plants listed on the **Arizona Native Plant Law and Antiquities Act** have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture

1688 W Adams St.

Phoenix, AZ 85007

Phone: 602.542.4373

<https://agriculture.az.gov/sites/default/files/Native%20Plant%20Rules%20-%20AZ%20Dept%20of%20Ag.pdf> starts on page 44

HDMS records indicate that **Lesser Long-nosed Bats** have been documented within the vicinity of your project area.

Please review the Lesser Long-nosed Bat Management Guidelines

at: [https://s3.amazonaws.com/azgfd-portal-](https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FINALIecuyeHabitatGdln.pdf)

[wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FINALIecuyeHabitatGdln.pdf](https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FINALIecuyeHabitatGdln.pdf)

Exhibit VII-A-1: AZGFD Online Review Results (cont'd)

Arizona Game and Fish Department
Project ID: HGIS-11322

project_report_oro_valley_church_nazarene__36184_37369.pdf
Review Date: 6/4/2020 10:49:31 AM

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies 6.1.2.1 and 7.1.2.4), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>. Based on the project type entered, further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.



VIII. VIEWSHEDS

A. EXISTING CONDITIONS

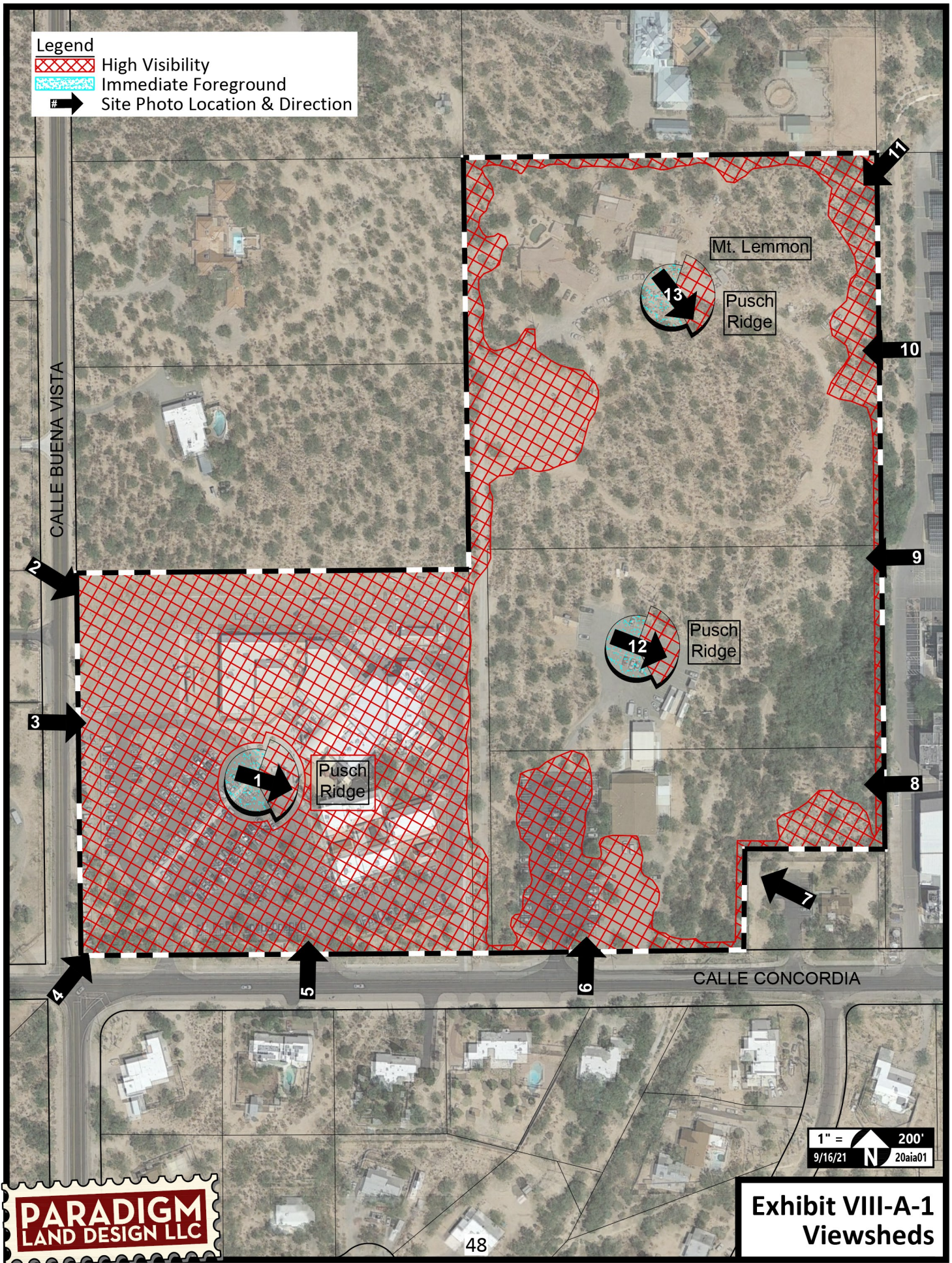
The OVCN campus is not within the Tangerine Road or Oracle Road Scenic Corridor Overlay Districts.

The primary viewshed in the project vicinity is of Pusch Ridge, which looms high to the east. Pusch Ridge is tall enough that the tall buildings within the CDO Highschool campus do not have a significant impact on views from neighboring properties. Views of the Tortolita Mountains to the northwest are minimal, and views of the City of Tucson are generally non-existent.



Legend

- High Visibility
- Immediate Foreground
- Site Photo Location & Direction

















B. PAD RESPONSE

Views across the subject property toward Pusch Ridge will not be significantly impacted by this development. The multi-use building is approximately 650 feet from the nearest home to the west, roughly 580 feet from the nearest home to the north and is situated in the southeast portion of the OVCN campus. The building's backdrop is the Carmack Wash and the taller buildings on the CDO High School campus.

In addition to distance and landscaping, the visual impacts of the proposed buildings will be further reduced through the use of earth-tone colors, variable rooflines and building geometry, and a mixture of materials and textures.

IX. TRAFFIC

A. EXISTING CONDITIONS

Roadways within a mile of the subject property are mostly within Oro Valley's jurisdiction. Oracle Road (State Route 77) is classified as a Major Arterial (and is owned and maintained by the Arizona Department of Transportation, or ADOT), Calle Concordia is classified as a Minor Arterial, and Calle Buena Vista is classified as Major Collector.

1. Describe and map all existing and proposed offsite streets between the development and the nearest arterial streets.

Calle Concordia is classified as a minor arterial in the Town of Oro Valley's 2016 Your Voice, Our Future General Plan, and borders the project on the south. Calle Buena Vista is classified as a major collector in the General Plan. The project area is accessed via existing and future driveways on Calle Concordia and Calle Buena Vista, thus there are no existing or proposed offsite streets between the development and the nearest arterial street. An inventory of the arterials within one mile of the project area is included in the next subsection.

2. Describe and map all arterial streets within one mile of the project site. Indicate the following information:

Arterials within one mile of the project site are Calle Concordia, Hardy Road, Oracle Road (SR 77) and La Canada Drive.

- a. Existing and proposed right-of-way widths

Calle Concordia is classified as a minor arterial in the 2016 Oro Valley Your Voice, Our Future General Plan. The existing right of way width is not consistent along a one-mile segment, although the right-of-way is approximately 90 feet wide in the vicinity of the project.

La Canada Drive is classified as a minor arterial in the General Plan. The existing right-of-way varies between 150-160 feet west of the project.

Oracle Road (State Route 77) is classified as a major arterial in the General Plan. The existing right-of-way width on Oracle in the vicinity of the project is 300 feet. Oracle Road is maintained and operated by the Arizona Department of Transportation.

Hardy Road is classified as a minor arterial in the General Plan. The existing right-of-way is about 150 feet wide from Oracle Road to Northern Avenue.

The right-of-way widths of these roads are not proposed to change.

b. Whether or not said widths conform to Oro Valley minimum requirements

The 2016 Oro Valley Your Voice, Our Future General Plan provides standard design cross-sections for collector and arterial streets. According to the roadway classifications and standards table within the General Plan document, major arterials should have higher speeds, right-of-way widths between 150 and 300 feet, have a curbed bike route, a multi-use lane and/or a shared use path, and have medians but no sidewalks. Minor arterials should have moderate speeds, right-of-way widths between 75 and 150 feet, and should have medians, sidewalks, and bike facilities (curbed bike route, multi-use lane or a shared use path).

Based on the standards for major and minor arterials in the General Plan, Oracle Road and La Canada generally conform to Oro Valley Minimum Requirements.

Calle Concordia is a low-speed roadway (25 mph) for safety reasons associated with CDO High School. It does not have curbs or a median, although the 90-foot right-of-way width is within the 75- to 150-foot range.

c. Ownership (public or private)

The Town of Oro Valley owns all existing arterial roadways within one mile except for SR-77 which is owned by ADOT. La Canada Drive is owned and maintained by Oro Valley north of Rancho Feliz Drive and by Pima County south of Rancho Feliz Drive.

d. Whether or not rights-of-way jog or are continuous

Oracle Road and La Canada Drive have generally consistent right-of-way widths in the vicinity of the project. Calle Concordia's right-of-way width is 90 feet in the vicinity of the project. See table below.

e. Number of travel lanes, theoretical capacity, and design speed for existing streets

Arterial	Ownership	Road Classification*	Existing/ Proposed Rights-of-Way (ft)	# Lanes	Conforms to Width Standards	Continuous Right-of-Way	Curb/ Gutter	Sidewalks	Bike Facilities	Paved	Speed Limit	Average Daily Trip (ADT) Volume	Data Source	Data Year	LOS D Daily Volume Threshold (vpd)**
Calle Concordia	Oro Valley	Minor Arterial	90	2	No	Yes	Yes	Yes, North Side	Signed Bike Route with On-Street Bike Lane	Yes	25	5,147	Field Data Services of Arizona	2021	13,320
Hardy Road	Oro Valley	Minor Arterial	150	2	Yes	Yes	No	No	Striped Bike Lane	Yes	35	6,505	PAG	2019	10,656
Oracle Road (State Route 77)	ADOT	Major Arterial	300	6	Yes	Yes	No	No	Striped Bike Lane	Yes	50	33,742	PAG	2020	59,900
La Canada Drive	Pima County/Oro Valley	Minor Arterial	150/160	4	Yes	Yes	Yes	Yes	Signed Bike Route with On-Street Bike Lane	Yes	45	27,017	PAG	2019	35,820

* Designations from Oro Valley 2016 General Plan Circulation Map

**LOS D Capacities from Florida DOT 2012 Level of Service Handbook Tables.

f. Present Average Daily Traffic (ADT) for existing streets

The table above lists recent daily volumes for the existing streets.

- g. Describe surface conditions on existing streets providing access to the site

All study area arterials have fair to good surface conditions. ADOT has programmed a pavement preservation project for SR-77 from Calle Concordia to River Road to begin in 2021.

- h. Program for completion of roadway and intersection improvements

Both Oro Valley and ADOT participate as Pima Association of Governments (PAG) member jurisdictions in the PAG Transportation Improvement Program (TIP), the five-year capital improvement program of regional transportation projects and programs. The SR-77 preservation project indicated before is a project within the current TIP.

- i. Existing and proposed intersections on arterials within 1 mile of the site most likely to be used by traffic from the site

Access to the project will be via the following intersections on arterials within one mile:

- Calle Concordia/Calle Buena Vista
- Calle Concordia/Oracle Road
- Calle Concordia/La Canada Drive
- Oracle Road/Hardy Road

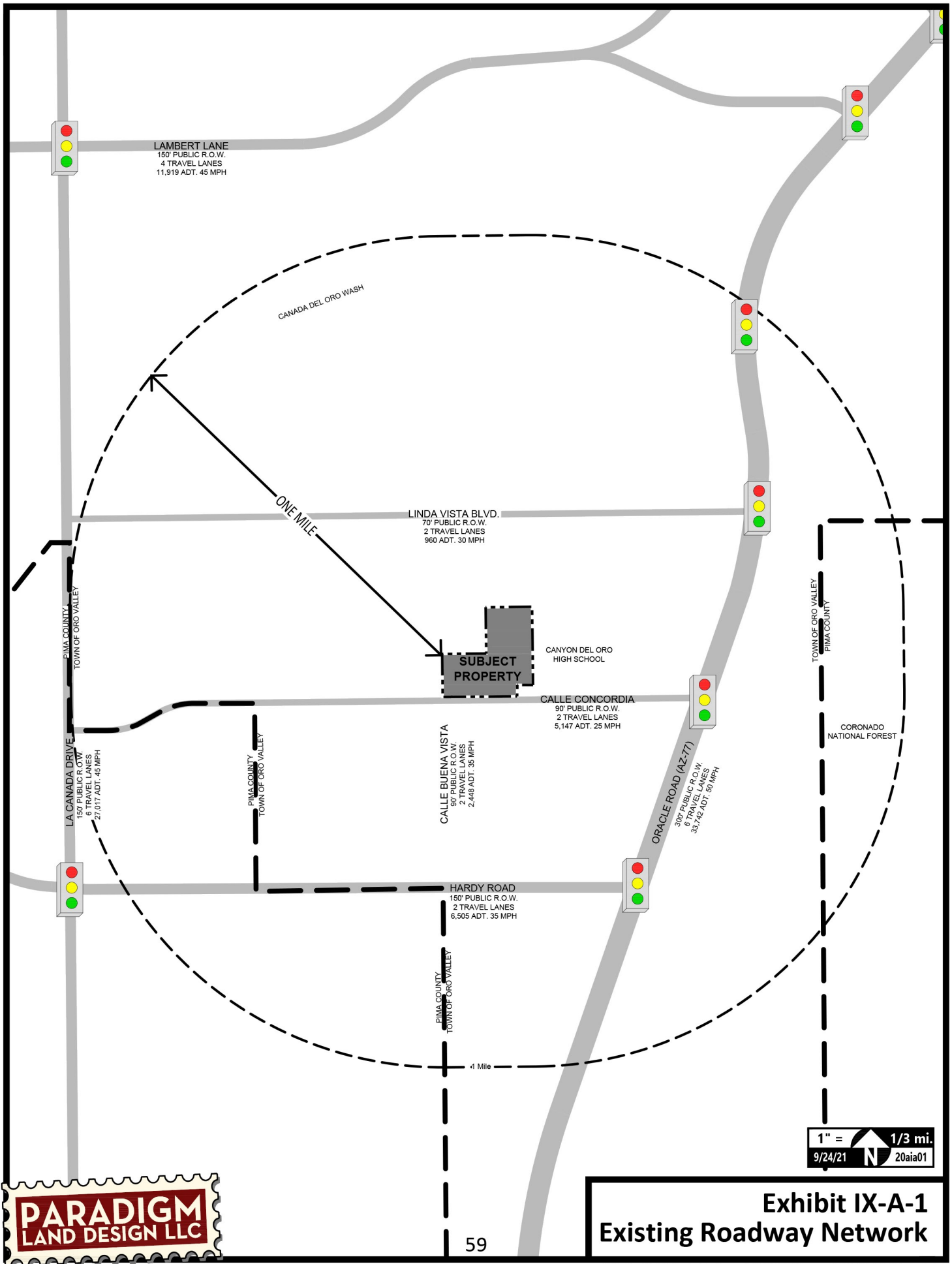
The SR-77 preservation project will include pavement improvements at the Calle Concordia/Oracle Road and Oracle Road/Hardy Road intersections.

- j. Existing bicycle and pedestrian way adjacent to the site and their connections with arterial streets, parks, & schools

The Oro Valley Bikeways Map shows the following roads with bike facilities: Calle Concordia, Oracle Road, La Canada Drive, Calle Buena Vista (south of Calle Concordia) and Northern Avenue.

There is a sidewalk on the north side of Calle Concordia between Oracle Road and Calle Buena Vista, and there are sidewalks on both sides on La Canada Drive. There are no sidewalks along the other study area roadways in the vicinity of the project.

The sidewalk on Calle Concordia provides pedestrian access to Canyon del Oro High School and James D. Kriegh Park. All of the roadways described in the Roadway Inventory table are bike routes.



B. PAD RESPONSE

A full Traffic Impact Analysis (TIA) report has been provided to the Town under separate cover. The following provides a summary of required information that is included in the Traffic Impact Analysis.

1. Provide a traffic analysis report to include:

- a. The proposed internal circulation & access to/from arterial streets, explaining location & rationale for placement.

The site plan shows that circulation within the site will be open between the east and west campus via an improved access drive off Calle Concordia. The existing service drive alignment east of the administration building will be removed and a new driveway will be constructed as shown in the site plan to be the primary entrance for the east half of the campus.

- b. If offsite improvements are required, indicate which roads & time frame for improvements.

The current TIA shows the addition of Phase 2 site traffic will require Calle Concordia to be widened to have a continuous two-way left turn lane for access into the project driveways based on the projected left turn lane volumes and turn lane warrant criteria. However, most of the site traffic will enter/exit the site during non-peak hours for commuters. During the Phase 2 detailed engineering phase the TIA will be updated to confirm the warrants are met for installation of a two-way left-turn lane on Calle Concordia.

The Calle Concordia right-of-way is continuously 90 feet wide from Oracle Rd. west to Calle Buena Vista. Since the potential Phase 2 turn-lane addition would mimic the existing design cross-section as the widened portion of Calle Concordia along CDO High School, it is reasonable to assume at this point in time that no additional right-of-way width will be needed for the potential widening associated with Phase 2 of this project.

- c. Projected Average Daily Trips (ADT) for internal circulation system at build-out & level of service to all streets. Include a projection of traffic volumes & capacity analysis for intersections.

The existing ADT of 5,147 vehicles per day (vpd) on Calle Concordia is well below its theoretical LOS D daily capacity (13,320 vpd) as documented in the Site Inventory section. The 2021 ADT on Calle Buena Vista was 2,301 vpd, which is also well below its theoretical LOS D daily capacity (10,656 vpd). Intersection volume data were collected, and the intersection of Calle Concordia/Calle Buena Vista is expected to operate at acceptable levels of service during both commuter peak periods as well as the non-peak times when the project traffic is expected to be highest.

- d. Impact to existing development abutting offsite streets.

Given the excess capacity available on Calle Concordia and Calle Buena Vista, the traffic impact of the project to existing development is expected to be minimal. The driveway on Calle Concordia is opposite an existing residential driveway.

- e. Capacity analyses for proposed internal & offsite streets, including right-of-way & pavements widths, geometrics, design speeds, & traffic control improvements needed.

Calle Concordia/Calle Buena Vista was analyzed and is projected to operate at acceptable levels of service during the non-peak times when the project traffic is expected to be highest.

- f. A description of improvements required for those streets described in the previous section.

A continuous left turn lane is warranted on Calle Concordia for access into the project driveways during Phase 2 of the development, although these warrants are only met during the evening peak periods (not the commuter peak hours) when the project traffic is expected to be the highest. No improvements are recommended on the other project area streets.

- g. The party/agency that the applicant believes to be responsible for making necessary improvements.

All proposed transportation improvements will be the responsibility of the Church of the Nazarene.

- h. Evidence that proposed turning movements will meet safety standards in relationship to traffic volumes.

Per the warrants discussed in the TIA, left-turn improvements to Calle Concordia will be required during Phase 2 to mitigate for increased turning volume in order to meet Town safety standards. Improvements include restricting the westernmost access to right-in/right-out only, and construction of a continuous two-way left-turn lane. See the TIA for more Details.

2. Describe proposed on-street rights-of-way, including typical roadway section, and indicate proposed ownership.

There are no public roads within this project.

3. Describe proposed bicycle and pedestrian pathways within the development and indicate whether they are connected to external pathways, arterial streets, parks, and schools.

There are no bicycle pathways within the development. Pedestrian access within the project will be from the parking lots to the new buildings via standard site design. Access for bicyclists and pedestrians to external streets will be via the proposed driveway locations.

A pedestrian bridge is proposed across the drainageway between the OVCN campus and the CDO High School campus, to allow convenient and safe access when either property is utilized for overflow parking during special events such as high school graduation ceremonies, Easter services, etc. The OVCN and Amphi School District are in discussions about formalizing an agreement for cross-access and parking. The two entities have of course been cooperating for many years when either has extra parking needs. The agreement will be provided to TOV when it is formalized.

X. RECREATION / TRAILS

A. EXISTING CONDITIONS

A span of the Canada del Oro Pedestrian Trail runs along the Canada del Oro wash roughly one mile west of the OVCN PAD. This trail is intended to accommodate pedestrian, equestrian, bicycle, and canine use and to provide access to several recreational locations, including Catalina State Park and Riverfront Park. James D. Kriegh Park and the Oro Valley Aquatic Center are located approximately one-quarter mile east of the OVCN PAD, with the Canyon del Oro High School campus between them and the OVCN campus. Finally, Coronado National Forest is located just under one mile east of the OVCN PAD. See Exhibit X-A-1: Trails, Parks, & Recreation.

Facility	Size	Type
CDO Pedestrian Trail	n/a	Passive
James D. Kriegh Park / OV Aquatic Center	19 ac.	Active
Coronado National Forest	1.8M ac.	Passive

B. PAD RESPONSE

1. Recreation Areas

The primary purpose of this project is outreach through recreational opportunities. The proposed buildings will provide safe places for children's athletics including basketball, football, soccer, volleyball, cheerleading, and other sports that can be practiced and played on the activity field or on the sport courts in the multi-use building. OVCN also plans to utilize the buildings for some adult outreach such as fitness classes, although the primary focus is youth athletics. The expanded OVCN campus builds on the existing activity hub centered on CDO High School, the OV Aquatic Center, and James D. Kriegh Park.

2. Describe how the development will facilitate access to offsite trails and how access will be maintained.

Sidewalk connections will be provided from the OVCN campus to the existing sidewalk system along Calle Concordia, providing pedestrian access to the other activities to the east. Convenient access to the overall Oro Valley trail system is not available from this site but could be if in the future the Town installs a sidewalk on Calle Concordia from Calle Buena Vista to La Canada Drive.

3. Describe the proposed ownership of natural and modified open space within the development.

OVCN will maintain sole ownership of the entire campus.

XI. WATER

A. EXISTING CONDITIONS

The OVCN PAD is within the Oro Valley Water Utility service area. Oro Valley Water Utility has indicated that they will continue to serve this development. No wells are known to exist onsite or within 100 feet of the property. For more information, please contact the Oro Valley Water Utility, 11000 N. La Canada Drive, Oro Valley, AZ 85737.

B. PAD RESPONSE

The Oro Valley Water Utility has indicated that it has water capacity to serve the needs of the OVCN PAD, although any system upgrades needed to serve the OVCN campus expansion will need to be provided by OVCN.



XII. WASTEWATER

A. EXISTING CONDITIONS

A public sewer line currently runs along Calle Concordia directly to the south of the OVCN PAD. That sewer line has the capacity to serve OVCN. The existing OVCN campus buildings currently connect to this sewer line.

See Exhibit XII-A-2: Existing Sewer Infrastructure.

B. PAD RESPONSE

Pima County Regional Wastewater Reclamation Department has issued a Type I Sewerage Capacity Investigation letter, verifying that capacity is available to publicly serve the OVCN PAD. The project will connect to the public sewer at several locations along the existing 8" sewer main that runs along the southern edge of the OVCN PAD.

See Exhibit XII-A-1: Sewer Capacity Letter.

Exhibit XII-A-1: Sewer Capacity Letter

JACKSON JENKINS
DIRECTOR



PH: (520) 724-6500
FAX: (520) 724-9635

July 24, 2020

Paul Oland
Paradigm Land Design LLC
7090 N Oracle Road, Suite 178-193
Tucson, Arizona 85704

Sewerage Capacity Investigation No. P20WC00131 Type I

RE: **Type I: Oro Valley Church of the Nazarene - Campus Expansion, Parcel
22511269C, 22511290A, 22511293A, 22511293C
Estimated Flow 16,933 gpd (ADWF).**

Greetings:

The above referenced project is tributary to the Tres Rios Wastewater Reclamation Facility via the Canada Del Oro Interceptor



Capacity is currently available for a project this size in the public sewer S-153, downstream from manhole 8062-06.

This letter is not a reservation or commitment of treatment or conveyance capacity for this project. It is not an approval of point and method of connection. It is an analysis of the system as of this date. Allocation of capacity is made by the Type III Capacity Response.

If further information is needed, please feel free to contact us at (520) 724-6642.

Reviewed by: Olivia Cañez, EPT Sr.

Legend

-  Sewer Pipe
-  Sewer Manhole

CALLE BUENA VISTA

CALLE CONCORDIA

8062-08 8" 3866-01 8062-07 8" 8062-06 8062-05 8062-04 SSIP-323

8"

6"

8062*10

1" = 200'
11/20/20 N 20aia01

PARADIGM
LAND DESIGN LLC

Exhibit XII-A-2
Existing Sewer

69

XIII. BUFFERYARDS

A. EXISTING CONDITIONS

Bufferyards on the subject property, both existing and to be developed, are subject to the Town's standard landscape bufferyard and screening requirements, OVZCR 27.6.C. Accordingly, bufferyards will exist around the perimeter of the PAD.

B. PAD RESPONSE

Proposed bufferyards are in accordance with the Town's standard landscape bufferyard and screening requirements, except along the northernmost and northwestern edges where additional landscape density and/or sound walls are proposed to help mitigate some of the visual and acoustical impacts of this development. Bufferyard widths vary. 40' natural bufferyards are provided where feasible and where existing vegetation is adequate. In other areas, particularly along street frontages, 30' manicured bufferyards will be provided. A 20' bufferyard is proposed along the property's eastern boundary against the CDO High School campus, which is appropriate because CDO is a similarly intense land use and also because the Carmack Wash in that area already provides some buffering.



Along the southern edge a low screen wall already exists in areas where parking headlights would shine in a southerly direction toward Calle Concordia. Similar screen walls will be installed as needed to block headlights exiting the site along Calle Concordia from the proposed campus expansion area. See Exhibit XIII-B-2: Bufferyard Cross-Sections.

30' Enhanced Bufferyard 'B' w/ 8' Acoustical Screen Wall 20' South of the Property Line. All Vegetation within 20' of the Northern Property Line to Remain in Place Except as Necessary to Construct the Screen Wall. Supplemental Vegetation to be Installed South of Wall to Provide a Continuous Tree Canopy within the Overall 30' Bufferyard. (See Exh. XIII-B-2)

40' Natural Bufferyard

Acoustical Screen Wall Runs Along/Through Bufferyards on North & West Property Lines

30' Enhanced Bufferyard 'B' w/ 8' Acoustical Screen Wall (See Exh. XIII-B-2)

20' Bufferyard 'B'

CALLE BUENA VISTA

30' Bufferyard (Existing)

30' Bufferyard 'B'

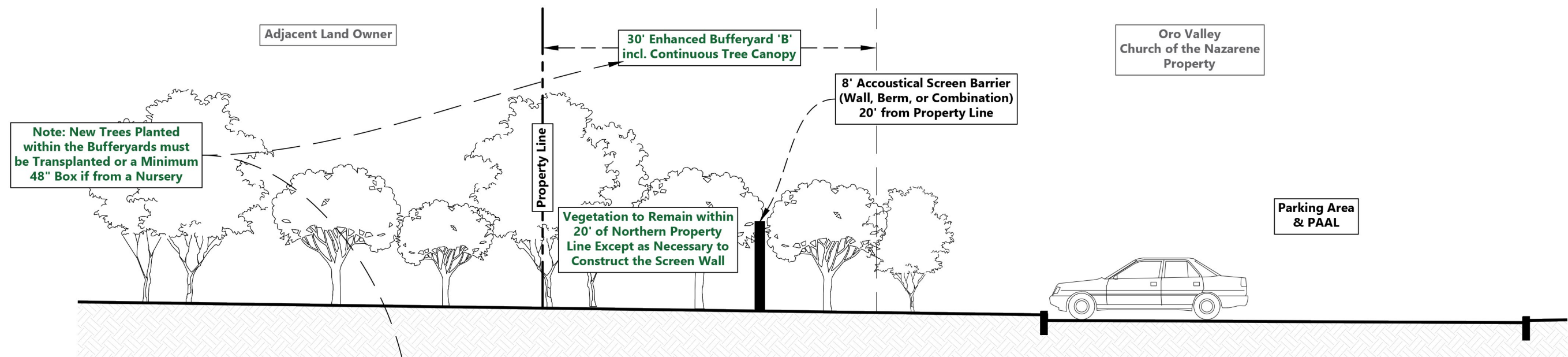
40' Natural Bufferyard

CALLE CONCORDIA

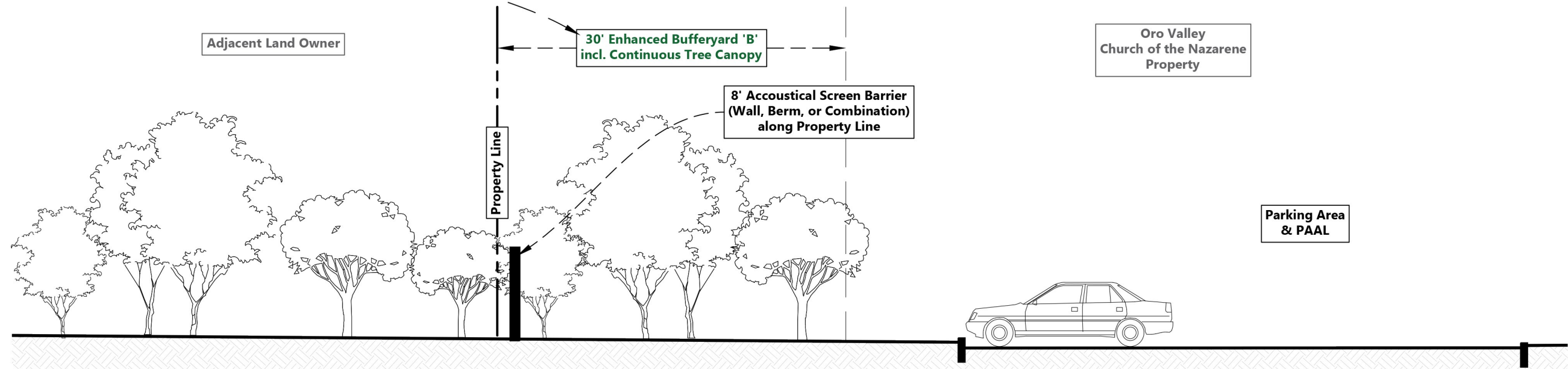
NOTE: All Bufferyards are to be Provided during the First Phase of Future Development Adjacent to Existing Residential Uses.

1" = 200'
8/11/22 N 20aia01





30' ENHANCED BUFFERYARD 'B' ALONG NORTHERN PROPERTY BOUNDARY OF CAMPUS EXPANSION AREA
LOOKING EAST



30' ENHANCED BUFFERYARD 'B' ALONG WESTERN PROPERTY BOUNDARY OF CAMPUS EXPANSION AREA
LOOKING NORTH

Legend

- High Visibility
- Immediate Foreground
- ESLO Conservation Designations
- Existing 100-Year Floodplain
(There are no Areas of >1' Sheet Flooding)

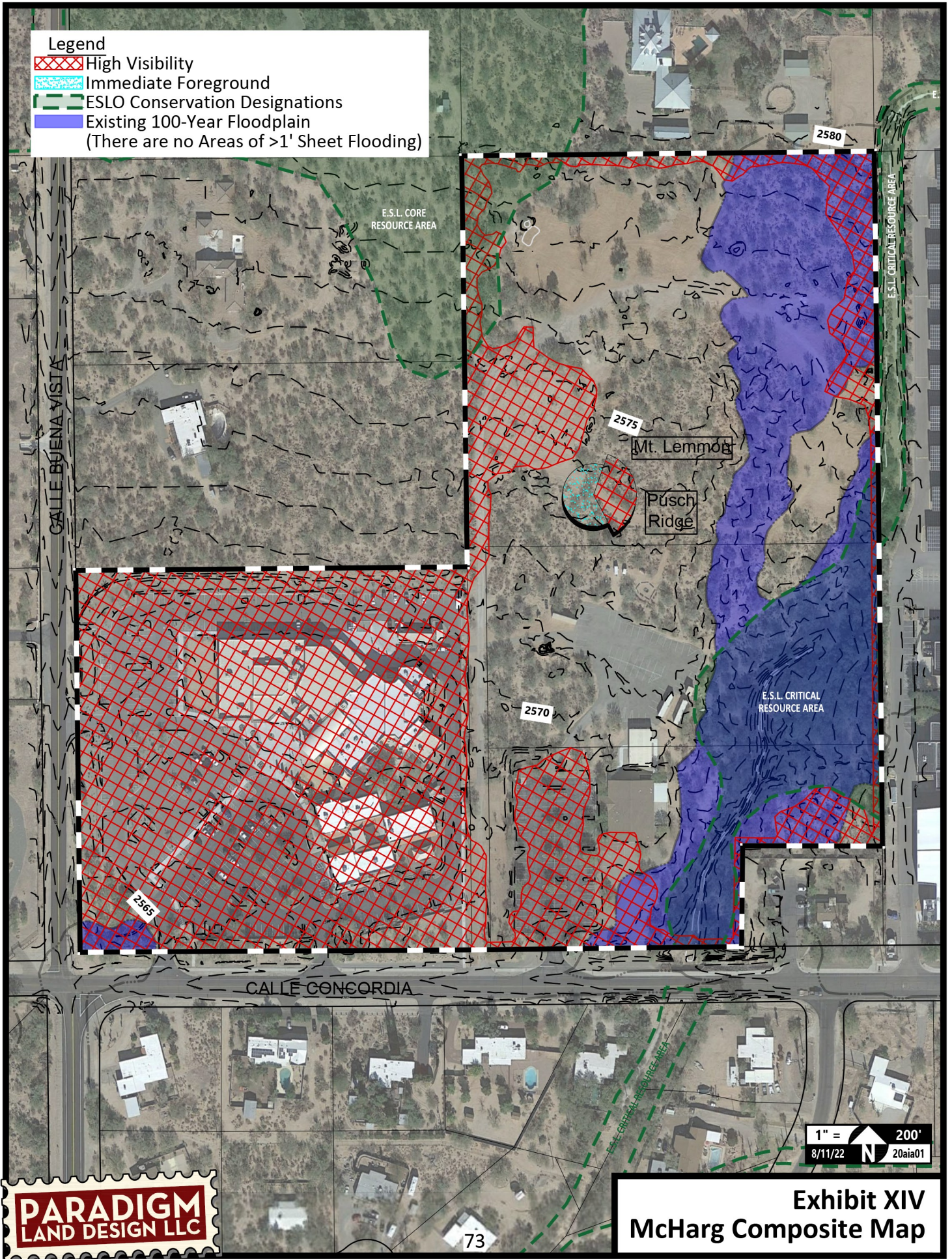


Exhibit XIV
McHarg Composite Map

XV. PAD ADMINISTRATION

A. INTERPRETATION

When the provisions of this Planned Area Development (PAD) are interpreted or applied, they shall be held to be the minimum requirements for the promotion of the public safety, health, comfort, convenience, and general welfare. Whenever there is a question regarding the interpretation of the provisions of this PAD or the application of those provisions to any individual case or situation, pertaining to the clarity of any provision, standard, or permitted use within the PAD, the Planning and Zoning Administrator shall be responsible for the interpretation of the PAD. Interpretations may be appealed to the Board of Adjustment in accordance with the procedures of the Oro Valley Zoning Code.

B. CONFLICT

The provisions of this PAD are not intended to interfere with or abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any provision of this PAD, or which shall be adopted or issued pursuant to law relating to the use of building or ordinance not in conflict with this PAD; nor is it intended by this PAD to interfere with or abrogate or annul any easement, covenant, or other agreement between parties.

C. DEVELOPMENT REGULATIONS & STANDARDS NOT LISTED

Any development regulation or standard not specifically covered in this PAD shall be subject to the OVZCR. In cases where development regulations and standards set forth in this PAD are inconsistent with OVZCR, the PAD shall prevail. Any development regulation and standard not addressed in this PAD shall be subject to the Town's adopted regulations in place at the time of the individual application.

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS

The following analysis is provided as required to show substantial conformance to many of the General Plan's regular policies.

Criteria	Comments	Met?
1. Land Use Element		
a. Varied types and intensities of development have been incorporated.	Within the context of a religious land use campus, a variety of different uses are proposed.	Yes
b. Site analysis information completely supports the land use proposals contained in the PAD.	The development opportunities and constraints of the property have been thoroughly detailed in the site analysis.	Yes
c. A mix of housing types, such as single-family attached and detached, single-family cluster homes, patio homes, townhouses, and apartments, is incorporated into the PAD.	Not applicable.	n/a
d. The PAD promotes clustered (average density) developments to protect environmentally sensitive areas.	The PAD meets ESL conservation category open space requirements, keeping development out of the most environmentally sensitive parts of the site.	Yes
e. Higher density or intensity developments abutting lower density or intensity areas include buffering and shall substantially mitigate any negative impacts.	Lower intensity land uses exist to the north, south, and west of the PAD. Mitigation measures provided include landscape bufferyards, significant setbacks, noise screen walls and headlight screen walls.	Yes
f. Residential neighborhoods are afforded multi-modal access to, and are in close proximity to, activity centers to minimize travel times.	Not applicable, although the OVCN campus is located along a collector road and is nearby to the CDO High School / OV Aquatic Center / James D. Kreigh Park activity center.	n/a
g. Activity centers provide a wide range of appropriate services.	The OVCN campus expansion will expand the existing CDO High School / OV Aquatic Center / James D. Kreigh Park activity center.	Yes
h. The PAD protects natural features through transfer of development densities and similar strategies.	Although no development density transfers are proposed, the OVCN PAD does adhere to ESL conservation guidelines, resulting in significant conservation of the most environmentally sensitive portions of the property.	Yes

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS (CONT'D)

Criteria	Comments	Met?
i. Office, technical and corporate employment facilities are scaled to the surrounding area.	Not applicable.	n/a
j. Campus-type employment is incorporated.	OVCN employs roughly several dozen people within the campus environment.	Yes
k. Multi-family residential development, at moderate to higher unit densities, has access to arterial or collector roadways.	Not applicable.	n/a
l. Multi-family (apartment or condominium) developments have planned-in recreational facilities and other amenities.	Not applicable.	n/a
m. Recreational facilities and appropriate links to open space amenities are provided.	The primary goal of the OVCN PAD and campus expansion is evangelism through recreational outreach. As such, amenities are provided onsite and pedestrian linkages are provided to the CDO High School Campus and to Calle Concordia.	Yes
2. Transportation Element		
a. The Oracle Road Corridor is de-emphasized for high intensity development.	Not applicable.	n/a
b. Bike lanes are included in all planned arterial improvements and on collectors deemed appropriate in the development review process.	Bike lanes may be included during the widening of Calle Concordia if deemed appropriate by the Town Engineer during the Phase 2 engineering design process.	Yes
c. Homeowners' associations are required to maintain pedestrian-bicycle paths, within approved master-planned communities.	Not applicable.	n/a
d. Bicycle parking facilities are provided.	Bicycle parking is provided throughout the OVCN campus.	Yes
e. Safe pedestrian/bicycle access to schools and parks is provided within the boundaries of the PAD.	Pedestrian circulation has been carefully planned within the OVCN campus to reduce potential vehicle conflicts and increase safety and comfort of pedestrians navigating from building to building.	Yes
f. Curvilinear residential streets patterns are incorporated.	Not applicable.	n/a

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS (CONT'D)

Criteria	Comments	Met?
g. Sidewalks or related pedestrian facilities are incorporated within neighborhoods.	Sidewalks provided throughout the OVCN campus, and sidewalk connections are provided to Calle Concordia.	Yes
h. All new roadway and future pedestrian-bicycle improvements meet public design standards.	New improvements within the PAD will meet the Town's bicycle and pedestrian design standards.	Yes
i. Park-and-ride lots are incorporated with planned facilities.	Formal ridesharing and/or shuttling are not currently among the services OVCN offers, although a number of parishioners access the church via public transportation.	No
j. Projects larger than 100 acres in size provide direct access to an arterial.	Not applicable.	n/a
3. Economic Development Element		
a. A favorable fiscal impact analysis.	A diversified economy includes non-profit organizations that pour back into the community without seeking profit. The non-profit sector represents an often-overlooked driver of economic activity, not only as employers, but also as contributors to the health, education, and quality of life of Town residents.	Yes
4. Public Services and Facilities Element		
a. School site planning has been addressed in large-scale planned communities.	Not applicable.	n/a
b. One elementary school site of at least ten (10) acres has been reserved within developments for every 500 elementary school level students forecasted to live within the development.	Not applicable.	n/a
c. Park/school combination site dedications are incorporated.	Not applicable, although the cross-parking and facility sharing agreement between OVCN and Amphi School District will benefit both parties.	n/a

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS (CONT'D)

Criteria	Comments	Met?
5. Community Design Element		
a. Building height and bulk are moderate to low intensity, in harmony with individual site attributes.	Large buildings already exist in the western portion of the OVCN campus and to the east within the CDO High School campus. The proposed OVCN multi-use building is situated between the aforementioned large buildings so that massing is appropriate within the context of the overall activity center.	Yes
b. Parking lots with greater than 20 car capacity are screened from adjacent uses and public thoroughfares.	Landscape bufferyards and headlight screen walls are and will be provided where necessary to provide appropriate screening of the proposed parking areas and Calle Concordia. The bulk of the proposed parking is located in the interior of the proposed campus expansion rather than along perimeter areas along public thoroughfares.	Yes
6. Open Space / Recreation Element		
a. Pedestrian, equestrian, and bicycle trails are designated including picnic/rest areas.	Not applicable.	n/a
b. Handicapped accessible facilities are provided to users.	The OVCN campus expansion will be ADA-compliant.	Yes
c. Recreation and open space facilities are linked to the community open space network where appropriate.	Not applicable.	n/a
d. Gateway treatments are incorporated at appropriate locations along the open space network.	Not applicable.	n/a
e. Neighborhood scale recreation (at a suggested standard of three (3) acres per 1000 population) and appropriate linkages to existing and planned trail systems are provided.	Not applicable.	n/a

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS (CONT'D)

Criteria	Comments	Met?
7. Natural Resources Conservation Element		
a. The floodplains of washes with a discharge greater than 1000 cubic feet per second (cfs) during the 100-year flood event and associated riparian habitats are preserved as natural open space except as stipulated in number 7.b	The Carmack Wash, which forms the OVCN campus' eastern boundary, is partially channelized including a sharp bend upstream of the PAD's northeastern corner. The bend does not contain the 100-year storm event, so stormwater breaks out in shallow sheetflow over a portion of the PAD. Erosion protection will be installed in that location to contain large storm events. Otherwise, the floodplain and its associated habitat area will remain mostly undisturbed.	Yes
b. Washes with a discharge greater than 100 cfs during the 100-year flood event and associated riparian habitats are preserved if vegetation and habitat quality are found to be unique by the Planning and Zoning Commission and Town Council.	As noted above, the ESL habitat associated with the Carmack Wash will be 95% preserved. No unique vegetation or habitat quality are known to exist onsite.	Yes
c. Hydrologic studies of washes greater than 100 cfs discharge during the 100-year flood event are provided which include effects on riparian habitats.	A full drainage report will be provided during the engineering phase. Given the minimal wash disturbance proposed, effects on habitat areas will also be minimal.	Yes
d. Only native plant materials and approved Southern Arizona Water Resources Association plants are utilized.	Compliance will be demonstrated during the FLP stage.	Yes
e. Only floodplain compatible uses are proposed in flood prone areas.	Once construction is complete no incompatible uses will be developed in flood prone areas.	Yes
f. When erosion protection is required, environmentally sensitive alternatives including geotextiles or gunite containing integral desert colors are utilized as opposed to concrete lining of water courses.	These techniques will be used onsite and detailed during the Final Design stage.	Yes
g. Indigenous (native desert) vegetation and riparian habitats are maintained and enhanced where possible.	As noted above, only minimal disturbance is proposed to the onsite ESL habitat.	Yes
h. Select native plant material, which is to be transplanted within the development or to approved sites outside the project limits.	The PAD will adhere to the Town's Native Plant Preservation Ordinance.	Yes

APPENDIX 1: GENERAL PLAN POLICY COMPLIANCE ANALYSIS (CONT'D)

Criteria	Comments	Met?
i. Mass grading techniques are minimized for project development.	Much of the property is already disturbed and is appropriate for development. The most environmentally sensitive portions of the site are proposed for conservation.	Yes
8. Safety Element		
a. Bike paths are constructed, where feasible and appropriate, to separate pedestrian and bike traffic from motorized vehicles in order to provide safe access to schools and parks.	The proposed bridge between the OVCN campus and CDO High School campus will feature separate lanes for vehicular and pedestrian traffic.	Yes
b. The PAD adheres to the "Suggested Policies for Fire Management in the Wildland Urban Interface," published by the National Forest Service, May 1990.	We were unable to locate a copy of this document.	?
9. Cultural Resources Element		
a. A cultural resource survey has been performed where cultural/archaeological resources are determined likely to occur according to the Arizona State Museum.	The property was surveyed by Westland Resources in 2020. No notable cultural resources were found.	Yes
b. The PAD provides for protection of cultural resources discovered during construction.	State Antiquities regulations apply to development within the PAD.	Yes
c. Cultural resources sites are left generally undisturbed and not identified to the public	Not applicable.	n/a

Over 90% of applicable criteria are met by this PAD, exceeding the 80% minimum.

APPENDIX 2: SUMMARY TABLE OF ZONING STANDARD MODIFICATIONS

OVZCR Section	Subject	OVZCR Standard	PAD Modification	Rationale
23.8.E.1.	Building Height	No standard for the proposed building type, although in the PS zoning district auditoriums may be up to 45' and gymnasiums may be up to 36' with Planning & Zoning Commission approval. The standard building height limit in the PS zoning district is 24' and in the R1-144 zoning district is 18'.	The multi-use building may be up to 42' in height.	The proposed building height is required to accommodate indoor sports such as basketball and volleyball.
Table 23-2A	Setbacks	The standard R1-144 building setbacks are 50' front/rear and 20' side, and apply to walls over 6' in height.	The proposed 8' screen wall providing visual and acoustical mitigation for neighboring property owners shall be allowed where shown on the TPD, which is closer than the R1-144 zoning district's standard setbacks.	The screen wall is most effective where shown on the TDP.

(Appendix 2 is Continued on the Next Page)

Appendix 2: Summary Table of Zoning Standard Modifications (Cont'd)

OVZCR Section	Subject	OVZCR Standard	PAD Modification	Rationale
Table 23-1	Land Uses	"Not-for-Profit" recreational facilities are not permitted in the PS Zone and are permitted with a Conditional Use Permit in the R1-144 Zone. *	"Not-for-Profit" recreational facilities are permitted.	<p>Pursuant to a verbal agreement between the Town of Oro Valley and OVCN recognizing differing views on the issue of whether the term "Religious Institution" includes recreational features, OVCN agreed to incorporate "Land Uses" into the list of zoning standard modifications because other zoning modifications were required for the campus expansion (i.e., Building Height and Setbacks).</p> <p>Because the recreational features will be for religious purposes, OVCN maintains these facilities are permitted as a matter-of-right as part of a "religious institution" and/or as an "accessory use." OVCN's land use in this instance is also protected by the Free Exercise Clause of the First Amendment and consistent with the civil rights protections afforded to OVCN by RLUIPA. Please refer to Appendix 3.</p>

* OVCN disagrees with this interpretation. Inclusion of "Land Uses" in the Table of Zoning Modifications should not be considered a waiver of any legal rights or remedies, and OVCN specifically reserves all claims, rights, and remedies it may be entitled to in subsequent proceedings.

APPENDIX 3: STATEMENT ON RELIGIOUS LAND USE RIGHTS

SCHMITT SCHNECK EVEN & WILLIAMS, P.C.

Michael F. Edgell
e-mail: michael@azbarristers.com

Client No. 11148.000

June 13, 2022

SENT VIA EMAIL AND US MAIL

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Re: Oro Valley Church of the Nazarene Stars Center, Oro Valley, AZ

Dear Mr. Rothschild and Mr. Andrews,

I am following up with you regarding our prior discussions about OVCN's proposed sports ministry building project, specifically, OVCN's plan to develop a sports-ministry recreational field (the "Sports-Ministry Field") and a multi-use ministry building ("Multi-Use Ministry Building") at 440 West Calle Concordia, Oro Valley, AZ. For the reasons described in this letter, OVCN maintains that the religious nature of the proposed Sports-Ministry Field and Multi-Use Ministry Building is well-settled and therefore the Town Planning and Zoning Commission lacks discretion to consider this issue and must find these facilities part of a "religious institution" or an "accessory use" permitted as a matter-of-right under the Town Zoning Code.

As we have discussed in prior correspondence and conversation, OVCN intends to use the Sports-Ministry Field and Multi-Use Ministry Building for OVCN's youth and children's ministries and as an evangelical outreach to youth and children in the broader Oro Valley community. OVCN's vision for its youth and children Sports Ministry is central to its evangelical mission "to make disciples of the nations." Matthew 28:18-20. OVCN is passionate about sharing the love of Christ through athletics with members of the Oro Valley community and ministering to those children and youth who are already involved in OVCN's ministries. OVCN believes athletics are a unique vehicle for evangelical community outreach because it forges relationships between teammates and coaches and provides an opportunity for character development. OVCN's proposed use of the Sports-Ministry Field and Multi-Use Ministry Building is discussed in further detail below.

I. OVCN'S PROPOSED USES OF THE SPORTS-MINISTRY FIELD AND MULTI-USE MINISTRY BUILDING.

OVCN views the entirety of its campus as a sanctuary. OVCN seeks to point to a relationship with Jesus Christ everywhere on its campus with everyone who attends any and all events. Research

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 2

suggests that it takes a person coming onto a church campus seven times before he or she feels comfortable enough to walk through the doors for service. This is why no event at OVCN is a “non-ministry” event and why all events to be hosted at the new Sports-Ministry Field and Multi-Use Ministry Building will be in accordance with OVCN’s evangelical mission.

The primary use of the new Sports-Ministry Field and Multi-Use Ministry Building will be for OVCN’s sports leagues. Currently, OVCN offers basketball, flag football, soccer and cheerleading programs and focuses its sports ministries on ages four through fifth grade. OVCN desires to expand its sports ministries into additional sports leagues and clubs and to develop athletic programming for older children, middle school through high school. The Sports-Ministry Field and Multi-Use Ministry Building will assist OVCN toward these goals. The Multi-Use Ministry Building will include three basketball courts, a turf court, a gathering space with snack bar, and a championship court that will double as a Wednesday night and Sunday Youth Center space, with stage and seating. The space will also be available for main Sunday worship services. The basketball court area provides OVCN the flexibility to offer additional activities, such as pickleball, volleyball, indoor dodgeball, and futsal.

Beyond OVCN’s Sports Ministry, these new facilities will see substantial use for outreach events hosted by all of OVCN’s other ministry programs, including Kids Ministry, Youth Ministry, College and Adult Ministry, Women’s and Men’s Ministries, Single Moms Ministry, Mom’s Group Ministry, 55+ Ministry and other church-wide and community outreach events. Activities include exercise classes, walking groups, “mommy and me” classes and other activities that OVCN may offer to seek to draw people onto campus and into fellowship.

Finally, OVCN may allow limited third-party use of the Sports-Ministry Field and Multi-Use Ministry Building, but only for activities aligned with its religious mission and, more specifically, only if the third party agrees to and signs OVCN’s Facility Use Agreement (attached as Exhibit A). This Facility Use Agreement, provides among other things, that OVCN may, at its discretion, open the event in prayer and have pastors, ministry leaders and/or other staff attend or participate in the event. Examples of third-party activities that may be acceptable if a Facility Use Agreement is signed include weddings, funerals, Town of Oro Valley events, Oro Valley Police Department events, Chamber of Commerce events and other similar community events. OVCN intends that third-party events will constitute only an incidental use of the Sports-Ministry Field and Multi-Use Ministry Building.

Notably, OVCN’s proposed uses of the Sports-Ministry Field and Multi-Use Ministry Building are consistent with what other relatively large (or smaller) churches offer through their sports ministry programs. For example, Christ’s Church of the Valley offers the “CCV Stars” program, which is a premier youth sports program offering multiple sports (soccer, football, baseball, basketball) in many locations across the Valley. Additionally, OVCN is associated with Upward Sports, a ministry that partners with churches to help them develop sports ministry programs and promotes a relationship with Jesus Christ through sports. Upward Sports is actively partnering with over 1,500 churches nationwide, reaching over 300,000 children annually. **Upward Sports estimates that 90-95 percent of their affiliated churches provide sports programs in the churches’ own gym and/or on the churches’ own athletic field.**

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 3

Moreover, as discussed below, OVCN's proposed uses for the Sports-Ministry Field and Multi-Use Ministry Building are within traditional and reasonably customary *religious* uses for a church or other religious institution as established by law. Because recreational activities have long been accepted and acknowledged as an integral part of worship and religious life, the Town lacks discretion to engage in any further inquiry as to the religious and/or nonreligious use of the facilities and must find that they are permitted as of right in the R1-144 zoning district.

II. THE SPORTS-MINISTRY FIELD AND MULTI-USE MINISTRY BUILDING ARE "RELIGIOUS INSTITUTIONS" AND/OR "ACCESSORY USES" UNDER THE ZONING CODE AND ARE THEREFORE "PERMITTED AS A MATTER-OF-RIGHT" IN THE R1-144 ZONING DISTRICT.

As noted above, the Sports-Ministry Field and Multi-Use Ministry Building will be located at 440 West Calle Concordia. This location is in the R1-144 zoning district. Under Section 23.1(A) of the Oro Valley Zoning Code (the "Code"), R1-144 is a single-family residential district, corresponding to lot sizes of 144,000 sq. ft. As shown on Table 23-1 "Permitted Uses," found at Chapter 23.2 of the Code, "Religious Institutions" are "permitted as a matter-of-right" in all zoning districts, including R1-144. Chapter 31 of the Code defines a "Religious Institution" as "[a] place of gathering or assembly with the primary purpose of religious worship. Typical religious uses include, but are not limited to, churches, synagogues, mosques and temples." (*Emphasis added.*) According to Table 23-1, "Accessory Uses" are also "permitted as a matter-of-right" in all zoning districts including R1-144. Chapter 31 of the Code defines "Accessory Use" as "[a] use customarily subordinate to the main use of the lot or building."

A. The Meaning of "Religious Institution" is Much Broader Than a Church Building.

As the Code recognizes, the definition of "religious institution" is not limited to a building dedicated exclusively to public or corporate worship services. This is consistent with the long-established understanding in zoning law that the meaning of "church" (or, in more modern usage, "religious institution") includes more than just the sanctuary facility. Indeed, a long line of courts has refused to adopt such a limited interpretation, in light of the favored status of churches under zoning law (*see, e.g., O'Brien v. Chicago*, 105 N.E.2d 917, 920 (Ill. App. Ct. 1952) ("[W]herever the souls of men are found, there the house of God belongs."); *Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Ashton*, 446 P.2d 185, 188 (Idaho 1968) (noting the "almost universal rule that churches and their attendant uses are permitted in residential areas and that a loss of tax revenue, a decrease in property values, increased noise, or traffic are not sufficient grounds" of exclusion (*emphasis added*))).

The Ohio Court of Appeals surveyed the judicial interpretation of the term "church" in the zoning context across many states. *See Solid Rock Min. Int'l v. Monroe Bd. of Zoning Appeals*, 740 N.E.2d 320 (Ohio Ct. App. 2000). Based on this review, the court concluded that established precedent "clearly shows that a church is more than a mere building used solely for worship." *Id.* at 325. Rather, "religious use has been defined to mean conduct with a religious purpose." *Id.* (*emphasis added*). The court recognized that this interpretation is not intended to grant a church "completely unfettered use of its property" and reasoned that the "activities or the use to which the property is put must be reasonably related, in substance and in space to the church's purpose, the

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 4

most, but not sole, prominent purpose of which is the public worship of God.” *Id.* Thus, the court held that a church-run home for unwed teen mothers was within the “church” use for purposes of the local zoning code. *Id.* at 327-28; *see also Slevin v. Long Island Jewish Med. Ctr.*, 319 N.Y.S.2d 937, 946 (N.Y. Sup. Ct. 1971) (rejecting the argument that “religious uses must be conducted by the church itself for the benefit of its own members” and holding church-run drug rehab center to be “religious use”).

Likewise, in the oft-cited case *In re Community Synagogue v. Bates*, 154 N.Y.S.2d 15 (1956), the Court of Appeals of New York held that “[a] church is more than merely an edifice affording people the opportunity to worship God.” *Id.* at 453. The court opined that “[c]hurches have always developed social groups for adults and youth where the fellowship of the congregation is strengthened” and “[t]o limit a church to being merely a house of prayer and sacrifice would, in a large degree, be depriving the church of the opportunity of enlarging, perpetuating and strengthening itself and the congregation.” *Id.* (holding synagogue’s facilities for “fellowship” and “indoor and outdoor activities for youth” within “church” use). More recently, the Michigan Court of Appeals recognized that zoning authorities must be “flexible and accommodating” in defining what constitutes a “church” activity or use, noting that churches today are “used during the entire week, nights as well as days for various parochial and community functions.” *Great Lakes Soc. v. Georgetown Charter Twp.*, 761 N.W.2d 371, 376, 382 (Mich. Ct. App. 2008) (holding that “church” use included large “tape/publication ministry area, including a recording studio,” “exercise room” and “health ministry area” as well as sanctuary); *cf. World Outreach Conf. Ctr. v. City of Chicago*, 591 F.3d 531, 535 (7th Cir. 2009) (extending protections of federal Religious Land Use and Institutionalized Persons Act to Christian outreach center consisting mainly of recreational and living facilities) (“The building is not a church as such . . . [But] there is no doubt that even the recreational and other nonreligious services provided at the community center are integral to the World Outreach’s religious mission Souls aren’t saved just in church buildings.”).

B. Athletic and Recreational Facilities Are Well Within the Meaning of “Religious Institution” or an “Accessory Use” Thereto.

Longstanding case law further establishes that ownership and use of athletic fields and related recreational facilities is a reasonably customary and traditional use falling within the meaning of a “church” or “religious institution” under the relevant zoning law or an “accessory use” thereto. In *Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Ashton*, 446 P.2d 185 (Idaho 1968), the Idaho Supreme Court ruled that a recreational complex, including two lighted softball fields, was an accessory use to an LDS church. Acknowledging that “a church is something more than merely a building in which the actual religious services are held,” the court reasoned that the recreational and sports activities were intended to be a central part of the church’s “program of worship” and were “sufficiently connected with the church itself that use of [the] property for recreation purposes [was] permissible” as an accessory use. *Id.* at 188-89; *see also Diocese of Rochester v. Planning Bd. of Town of Brighton*, 136 N.E.2d 827, 830, 836-37 (N.Y. 1956) (holding that parochial school, along with “open field and hard-top play areas” were accessory uses to Catholic church).

Similarly, in *Cash v. Brookshire United Methodist Church*, 573 N.E.2d 692 (Ohio Ct. App. 1988), the Ohio Court of Appeals, drawing on the line of case law discussed above, held that a baseball

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 5

field owned by a church, and the church's sponsorship of a Little League team to play there, was within meaning of a "church use" under the local zoning code. The court recognized that "[i]t is the fundamental tenet of the Methodist Church that worship involves not only religious services, but reaching out into the community through sponsorship of activities such as scouting, Little League and Head Start programs." *Id.* at 693; *see also id.* at 696 (sponsorship of baseball team was "part of public worship program" of church). Thus, the court ruled that the church's recreational activities were "permitted under the city zoning ordinances as a church use" and could also be upheld as an "accessory use" to the church. *Id.* at 696-97.

As the above discussion illustrates, courts across the country recognize the time-honored tradition of religious institutions of various stripes using athletic and recreational facilities as part of their religious mission. This case law interprets the term "church" or other similar term in the relevant zoning law to incorporate these recreational facilities, either as part of the "church" use itself or as an "accessory use" thereto. The Town cannot interpret the term "religious institution" as used in its own Code in a vacuum; it must do so informed by this longstanding precedent and the constitutional protections of religious expression and free exercise. Accordingly, the term "religious institution" under the Code must be understood to encompass the athletic and recreational facilities proposed by OVCN, i.e., the Sports-Ministry Field and Multi-Use Ministry Building, making them permitted as of right in all zoning districts. Alternatively, the law with equal force unequivocally views the facilities as "accessory" uses to a religious institution, permitted as a matter-of-right. Importantly, OVCN's argument here is not that it can do whatever it wants at its property simply by virtue of being a church, but is instead grounded on the fact that athletic and recreational facilities are a long-established and reasonably customary use of houses of worship no matter the faith tradition.

In addition to the historical precedents discussed above, at least two other general principles must inform the Town's interpretation of "Religious Institution" under the Code. The first is the widely recognized maxim, affirmed by the Supreme Court of Arizona, that "[z]oning ordinances, being in derogation of common law property rights, will be strictly construed and any ambiguity or uncertainty decided in favor of property owners." *Hart v. Bayless Inv. & Trading Co.*, 346 P.2d 1101, 1109 (Ariz. 1969). Thus, while it is clear from the cases discussed above that athletic fields and related recreational facilities are part of the "religious institution" use or an "accessory" thereto, to the extent that the Town feels that there is any ambiguity or confusion as to the interpretation of the Code, it must be resolved in favor of OVCN. Second is the doctrine of ecclesiastical abstention, derived from the First Amendment, which prevents the government from "inquiring into ecclesiastical matters[.]" *Ad Hoc Comm. of Parishioners of Our Lady of the Sun Catholic Church v. Reiss*, 223 Ariz. 505, 510, ¶ 12, 224 P.3d 1002, 1007 (App. 2010) (citations omitted). Courts (and by extension, governmental entities) are not in the business of deciding what is and what is not religious exercise and will defer to the good faith religious proclamations of adherents. *United States v. Ballard*, 322 U.S. 78, 86-87 (1944). This admonition against governmental entities second-guessing what does or does not constitute worship and religious practice logically extends to zoning officials and the Town.

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 6

III. UNDER RLUIPA, ZONING SCHEMES CANNOT PLACE A SUBSTANTIAL BURDEN ON RELIGIOUS EXERCISE.

OVCN is a religious group and is thereby afforded protection as such under the Religious Land Use and Institutionalized Persons Act (RLUIPA) in matters concerning the application of zoning regulations. RLUIPA is relevant to OVCN's desire to proceed with developing these facilities because the issue pertains to zoning regulations and the desired use of the land is religious.

We are concerned that the Town's shifting positions with regard to the Sports-Ministry Field may violate OVCN's civil rights under RLUIPA. Initially, the Town objected to the facilities on the basis that it would be used for a commercial purpose rather than a religious purpose. The Town appeared to be under the misimpression that the facilities would be used primarily as a rental for third parties. As established above, this is not the case. The Sports-Ministry Field and Multi-Use Ministry Building will almost exclusively be used for OVCN's youth and children's sports programs. OVCN is excited to ramp up this ministry and hopes to do so as soon as possible. Additional uses for these facilities include outdoor worship services and other OVCN special religious events and ceremonies. As discussed above, any third-party rentals would merely be an incidental use and no different than OVCN's current incidental renting of its sanctuary or other buildings through facility use agreements (very similar to the Town of Oro Valley utilizing the OVCN campus for community events). Moreover, even when the facilities may be rented to third parties, OVCN intends to use this rare occurrence as an opportunity for evangelical outreach by including in facility use agreements terms which allow pastors or other staff members to be present and to pray and/or offer other religious support. Therefore, even when the facilities are being used by third parties, the use will be tied to OVCN's central religious mission – the making of disciples of Jesus Christ.

RLUIPA standards supersede local zoning codes. RLUIPA is to be construed in favor of a broad protection of religious exercise – to the maximum extent permitted under RLUIPA and the Constitution. 42 U.S.C. § 2000cc-3(g). RLUIPA prohibits a land use regulation that “totally excludes religious assemblies from a jurisdiction” or that “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” §§ 2000cc(b)(3)(A), (B). Zoning officials must determine whether the use in question constitutes religious exercise. RLUIPA defines “religious exercise” to “include[] any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” § 2000cc-5(7)(A). RLUIPA also provides that religious exercise applies to “[t]he use, building, or conversion of real property for the purpose of religious exercise.” § 2000cc-5(7)(B).

The Town's current position would place a substantial burden on OVCN's religious exercise as it would completely prohibit significant aspects of its ministry to its youth and children and to the unsaved youth and children of the greater Oro Valley community. The burden placed on OVCN's civil rights is further exemplified in the Town's apparent disregard to the obvious religious use and accessory use relative to the proposed facilities. Even if the Town disagrees with the interpretation of religious use and accessory use outlined above, the use need not qualify under local definitions to be subject to RLUIPA protections. Any such burden must be justified by compelling interests imposed in the least restrictive means to justify the substantial burden.

Substantial burdens can arise from delay, uncertainty, and expense resulting from zoning schemes and the conduct of municipal officials. *See Grace Church of N. County v. City of San Diego*,

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 7

555 F. Supp. 2d 1126, 1137-39 (S.D. Cal. 2008). “When [a] town's actions are arbitrary, capricious, unlawful, or taken in bad faith, a substantial burden may be imposed because it appears that the [religious institution] may have been discriminated against on the basis of its status as a religious institution.” *Fortress Bible Church v. Feiner*, 694 F.3d 208, 219 (2d Cir. 2012). Here, what should have been an expedient determination as to the religious character of the use of the proposed facilities, has instead been dragged out for more than a year, depriving OVCN and its members of the use and enjoyment of its property. Last year after OVCN clarified that the facilities were to be used for a clearly religious purpose, the Town's objection seemed to shift, with the Town asserting that no recreational facilities would be acceptable in that location as a religious institution (despite no less than six fields being in the immediate area). The shifting rationale gives rise to the inference that the Town's actions are arbitrary and capricious, causing delay, fostering uncertainty, and forcing OVCN to incur unnecessary expense –threatening to substantially burden OVCN's religious exercise and expression.

IV. UNDER RLUIPA, DISCRIMINATION AGAINST, AND EXCLUSION OF, RELIGIOUS ASSEMBLIES ARE PROHIBITED.

RLUIPA requires that religious uses be treated as well as any comparable secular assembly use. § 2000cc(b)(1). Imposing different, more onerous zoning requirements on a religious institution can violate RLUIPA's nondiscrimination provisions. A religious institution does not need to show it suffered a burden to prove a RLUIPA violation under these proscriptions, nor is the articulation of a “compelling interest furthered through the least restrictive means” a stated defense for a “discrimination and exclusion” claim.

In *Corp. of Catholic Archbishop of Seattle v. City of Seattle*, a federal district court ruled that public schools located in residential, single-family zones with athletic fields are suitable comparators to religious institutions for the purpose of determining discrimination/exclusion under RLUIPA. 28 F. Supp. 3d 1163, 1169 (W.D. Wash. 2014). Where treatment is deemed unequal by comparators, a violation of RLUIPA has occurred. *Id.* (the court found that the city violated RLUIPA's “equal terms” provision by requiring a Catholic high school to apply for a variance to put up 70-foot-high light poles for its athletic field in a residential single-family zone, while allowing public schools to do the same by special exception).

OVCN is similarly concerned it is being discriminated against in the development of its facilities, particularly given the fact that under the Code the facilities undoubtedly qualify as a “religious institution” and an “accessory use,” yet the Town has taken the position that OVCN cannot proceed with development absent an extended SUP or PAD process.

Significantly, development of the facilities will in no way alter or diminish the character of the zoning district. There are recreational fields all over this area, including at the adjacent James Krieh Park, Canyon Del Oro High School, and Pusch Ridge Church/Christian Academy; with no discernable difference between OVCN's planned facilities and the other recreational facilities in the area.

Appendix B: Statement on Religious Land Use Rights (Cont'd)

Jonathan Rothschild
Joseph N. Andrews
June 13, 2022
Page 8

V. CONCLUSION

For the reasons stated herein, OVCN is entitled to pursue development of the Sports-Ministry Field and Multi-Use Ministry Building in the R1-144 zoning district. Because the religious nature of these facilities is well-settled under zoning case law, the Town Planning and Zoning Commission lacks discretion to consider this issue and must find these facilities to be permitted as a matter-of-right as part of a “religious institution” and/or as an “accessory use.” Additionally, the Free Exercise Clause of the First Amendment and the civil rights protections afforded to OVCN by RLUIPA weigh strongly in favor of OVCN in this matter.

I look forward to continuing to work with you on this matter.

Sincerely,

SCHMITT SCHNECK
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By
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