

## **Guidelines for Special Uses of the City of Scottsdale McDowell Sonoran Preserve**

### **Background**

Per Chapter 21 of the Scottsdale Revised Code, the purpose of the McDowell Sonoran Preserve (“Preserve”) is to preserve in perpetuity the Sonoran Desert and mountains to maintain scenic views, as a habitat for wildlife and desert plants; to protect archeological and historical resources and sites, while providing appropriate public access for educational purposes; and provide passive outdoor recreational opportunities for residents and visitors. There are a variety of requests for various types of special uses which could be permitted by the Preserve Director according to the Preserve Ordinance.

### **Policy**

Special uses are divided into several categories. Permits do not allow for exclusive use of the space or trail; it remains open and accessible to the public. All permit requests are considered based on the details of the request and factors such as the location, time of year, day of the week and time of day. General public use and protection of the Preserve are given priority and factor into each request and the determination if a permit is issued.

A Permit is needed for requests as described in the categories below and/or for any request that does not comply with the rules and regulations outlined in Scottsdale Revised Code Chapter 21.

### **Categories**

#### **Trail Use**

➤ **Permit Required:**

- Trail use of 35 or more participants organized by an individual for personal/social use.

➤ **Permit, Fee and Insurance Required:**

- Trail use organized by a for-profit or non-profit business or organization regardless of number of participants.
- Trail use organized by an individual where a participation fee is charged or funds are raised regardless of number of participants.
- Trail Use for a Film/Photo Shoot conducted by a for-profit or non-profit business or organization regardless of number of participants.

## Trail and Trailhead Space Use

### ➤ Permit Required:

- Use of any trailhead in support of an activity that is using the trails.

### ➤ Permit, Fee and Insurance Required:

- Trail and Trailhead use organized by a for-profit or non-profit business or organization regardless of number of participants.
- Trail and Trailhead use organized by an individual where a participation fee is charged or funds are raised regardless of number of participants.
- Trail and Trailhead use for a Film/Photo Shoot conducted by a for-profit or non-profit business or organization regardless of number of participants.

## Trailhead Space-Only Use

### ➤ Permit Required:

- Trailhead use for activities being organized by an individual for a personal use regardless of number of participants.

### ➤ Permit, Fee and Insurance Required:

- Trailhead use for a Film/Photo Shoot conducted by a for-profit or non-profit business or organization regardless of number of participant.
- **No other activity organized by a for-profit or non-profit business or organization will be permitted.**

## Competitive Activities

Any of the Use Categories could have a request for a competitive activity. Competitive Activity requests must be submitted to the Preserve Director at least 90 days prior to the event date. Applicants are strongly encouraged to submit a request as early as possible. If the Director determines that the request should go forward he or she will present the request to the McDowell Sonoran Conservancy and the McDowell Sonoran Preserve Commission at least 60 days prior to the event for recommendation to the Preserve Director.

Each request is evaluated on an individual basis in accordance with SRC Section 21-22 (a) The preserve director, with such assistance of the commission as may be necessary and appropriate, is authorized to determine what activities may be allowed in the preserve, subject to obtaining a permit issued by the preserve director. The activities for which a permit may be issued may include some activities that would otherwise be prohibited by the chapter, when in the reasonable judgment of the preserve director, the activities serve or further a legitimate

public, civic or educational purpose, and they are not inconsistent with the purpose of the preserve or preserve management objectives, as set forth in the chapter.

Widespread promotion of the activity without a permit should not be done. Any costs or efforts expended in promotion and any advertising done prior to the approval process, regardless of funds spent, will not be considered a factor in the permit approval process.

### **Permit Process**

All applicants must complete the special use request form that provides detailed information about the special use request. All permit requests are considered based on the details of the request and factors such as the time of year, day of the week and time of day. General public use and protection of the Preserve are given priority and factor into each request and the determination if a permit is issued.

The request is reviewed and if found to be compatible with the purpose of the Preserve and these criteria, the Preserve Director, or designee, will conduct a permitting process which will include identifying the terms, conditions, location, duration, and other pertinent information related to the special use request. The special use will be permitted after acceptance of the permit terms and conditions by those organizing the special use and upon approval by the Preserve Director, or designee and providing any required insurance documentation outlined in the permit terms and conditions. The issuance of special use permits is regulated by this policy and Section 21-22 of the Scottsdale Revised Code which controls permits and procedures for special uses of the Preserve.

### **Guidelines**

- Fees – The City may charge fees in accordance with the approved City of Scottsdale fees and Charges Policies.
- Exemptions – These guidelines do not apply to City employees in the course of their official duties, or others authorized by the City to perform inspection, repair or maintenance work, persons providing emergency, search and rescue, medical or veterinary services, vendors or others on preserve related business, when authorized by the Preserve Director.

### **General Conditions**

General conditions will be attached to all special use permits for the McDowell Sonoran Preserve. These conditions must be adhered to by permit recipients. A special use permit is

valid only for the activities authorized on the permit. The permittee must notify the Preserve Director in writing of any changes. Requests for significant changes may necessitate a re-evaluation of the permit conditions or submittal of a revised request.

The General Conditions may include, but not be limited to, the following items:

- The issuance of a special use permit is a courtesy, not an entitlement
- All permittees must abide by any and all conditions of their permit, and Chapter 21 of the Scottsdale Revised Code as described in the permit. Permittees must also be aware of and abide by all other applicable federal, state, county, or municipal laws, rules, and regulations.
- Special use activities must not infringe on the use or access to the Preserve by the general public.
- Special uses must be conducted in a manner consistent with the Preserve purpose and management objectives and any applicable City of Scottsdale requirements.
- Maximum group size will be determined according to specific activity and location, and will be specified on the permit. The Preserve Director has the discretion to require large groups to be divided into smaller groups, depending on the circumstances of the proposed special use.
- All trash must be packed out of the Preserve area, and Leave-No-Trace ethics and practices are to be used.
- Any physical disturbance to the Preserve resulting from the special uses must be repaired or otherwise returned to the original condition, to the greatest extent possible.
- Such other terms and conditions as may be included by the Preserve Director, in his/her sole discretion.

**END**