



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 2720

Date: November 28, 2005

Route To:

Subject: Recreation Residence Supplement 2709.11-2000-1 Clarification Letter

To: Forest Supervisors

The Region 5 Recreation Residence Supplement to the Forest Service handbook, 2709.11 was adopted in September 2000 to provide clear, consistent, and up-to-date direction. The supplement was developed and implemented in response to the recommendations made in the 1993 National Recreation Residence Review and Action Plan Program. As R5 forests progress through the Consistency Review and Continuation Determination (CR & CD) process, there is a need to clarify some areas of the supplement to assure better consistency in the discretion exercised by the authorized officer.

The overall goal of recreation residence management is to provide a unique recreation experience while protecting the forest environment; preventing urbanization of recreation residence tracts; assuring safety of the general public and permit holders; maintaining the National Forest setting; and ensuring compliance with the terms and conditions of the permit as well as compliance with requirements for protection of threatened and endangered species, historic cabins and tracts, and archaeological properties.

Our key philosophy and objective is to use a common sense approach. We should be reasonable and flexible in implementing policy while meeting the overall objectives of managing this use on the National Forests. There will be situations when dealing with major issues such as public health and safety, environmental health, water, and waste disposal where legal and regulatory requirements should be stringently followed. At the same time, we intend to apply fair and reasonable discretion to accommodate cabin owners' enjoyment of National Forests.

In order to continue providing clear direction, I want to specifically address several areas that are generating questions.

Garages. R5 Supplement 2709.11-2000-1, Section 41.23g, #2e states, "*Existing garages are allowed if they are attached to the dwelling. Remove existing detached garages upon earliest opportunity or upon transfer of ownership of the improvements.*"

Clarification related to garages was issued in an April 23, 2002 letter from John Shilling to Forest Supervisors, titled R5 Recreation Residence Supplemental Clarifications. To reiterate, each decision is made on a case-by-case basis, most of the time there is no need to expedite the removal of a garage that was previously authorized in writing. Removal may be warranted when there are site-specific reasons, such as destruction, substantial damage (over 50%), disrepair,



neglect, non-compliance, visual concerns, and resource-related concerns such as soil and vegetation effects, water quality, and sensitive habitat.

Outbuildings. R5 Supplement 2709.11-2000-1, Section 41.23g, #2f states, “*Before authorizing outbuildings, the authorized officer shall consider the following guidelines: Separate structures such as storage sheds, generators, pumphouses, and outhouses may be authorized if they cannot be logically incorporated into the main residence. Separate structures shall not exceed a combined total of 40 square feet.*”

The authorized officer has discretion to make limited exceptions if there are no resource concerns, the improvements or structures cannot be logically incorporated into the main structure, and the additional improvement or structure or square footage is necessary to the function of the cabin. The authorized officer should document the rationale used to support the exception.

Height. R5 Supplement 2709.11-2000-1, Section 41.23g, #2c states, “*Limit a recreation residence on level ground to one story and a loft. Where excavation has been allowed into a slope, limit recreation residences to two stories and a loft (the “day lighted” basement is considered the first story). Total height must conform to county ordinances and Forest Service visual objectives.*”

Do not authorize new construction or reconstruction of two story cabins. If a cabin with a second story is destroyed, substantially damaged (over 50%), or major structural changes are proposed, this standard should be immediately applied. Damage in this context is defined as from catastrophic events or natural causes (pg 5 of 16 of 9/2000 R5 Handbook Supplement), including deterioration based on age or lack of maintenance. If a two-story cabin is destroyed or substantially damaged, the authorized officer may consider proposals for providing an increased footprint to meet the previous square footage, not to exceed 1400 square feet.

Size. R5 Supplement 2709.11-2000-1, Section 41.23g, #2b states, “*Limit recreation residence floor space to a maximum of 1,400 square feet...Determination of walled-in space includes the sum total of all habitable structures. A total of 1,400 square feet includes both floors of a two story residence, and where they already exist, authorized guest cabins and garages with living space.*”

Reduction in size of cabins is not required prior to permit issuance.

The 1400 square foot maximum is applied to the existing recreation residence or during new construction or reconstruction of a cabin. Recreation residences exceeding 1400 square feet should be listed on the face of the permit as conditionally accepted with a statement of condition(s) and brought into compliance when destroyed, substantially damaged (over 50%), or major structural changes are proposed. Damage in this context is defined as from catastrophic events or natural causes, including deterioration based on age or lack of maintenance.

Sleeping Quarters. R5 Supplement 2709.11-2000-1, Section 41.23g, #2e states, “*Do not authorize construction or reconstruction of guest cabins, sleeping cabins, or garages under any circumstances.*”

Additional direction is included in FSM 2721.23a, Section 6, which states, *“Allow no more than one dwelling per lot to be built. In those cases where more than one dwelling (residence/sleeping cabin) currently occupies a single lot, allow the use to continue in accordance with the authorization. However, correct such deficiencies, if built without prior approval, upon transfer of ownership outside of the family (husband, wife, and dependent children).”*

The direction in the previous paragraph is national policy. Removal of unauthorized sleeping structures should occur upon transfer of ownership outside the family, but need not be required upon issuance of new term permits to the same owners. Do not authorize conversion of a shed or other structure to a sleeping/guest cabin. Authorized sleeping structures should be removed if destroyed, substantially damaged (over 50%), or major structural changes are proposed. Damage in this context is defined as from catastrophic events or natural causes, including deterioration based on age or lack of maintenance.

Non-conforming improvements or structures. R5 Supplement 2709.11-2000-1, Section 41.23g, #3g&h, and Section 41.23h, #2b&c provide examples of non-conforming improvements or structures, such as outdoor lighting, yard ornaments, wood piles, and fences. These types of non-conforming improvements or structures are characterized by low investment and low cost of removal. Modification or removal of improvements or structures of this type should occur before issuance of a new term permit to either the current owner or a new owner.

Section 41.23g is titled ‘Construction/Reconstruction Standards.’ These standards apply to new construction or reconstruction proposed as well as existing improvements or structures. As described throughout this letter of clarification, it is appropriate to consider the cost of the improvements or structures and the cost of removal, along with other factors, in the determination of whether improvements or structures should be modified or removed prior to permit issuance, or conditionally accepted.

Modification or removal should occur immediately, without waiting to be triggered by permit issuance, if 1) there is actual resource damage, 2) there is a safety hazard, 3) improvement or structure occurred in blatant non-compliance in defiance of authorizing officer’s direction, or 4) improvement or structure is in non-compliance with applicable Federal, state, county, and municipal laws, ordinances, or regulations.

Improvements on face of permit. FSM 2721.23c, Paragraph 3 states, *“In either permit, identify all authorized improvements associated with the recreation residence use. Do not authorize use of more than the statutory maximum of 5 acres under a term permit. Authorize community or association-owned improvements, such as water systems, by a separate permit.”*

As stated in Clause II.A. of the Term Special Use Permit for Recreation Residences (Operation and Maintenance), all appurtenant access ways, on and off lot improvements or structures, and fixtures approved in the operation and maintenance plan are deemed a part of the permit, as if listed on the face of the permit.

Individual water systems serving a single cabin should be authorized on the face of the permit or in the operation & maintenance (O&M) Plan. Do not authorize association-owned or community improvements (docks, roads, gates, water systems) on the face of individual recreation residence permits as stated in the Regional Recreation Residence Supplement 2709.11-2000-1, 41.23(2)(g).

National and regional guidance for the issuance of new term permits is to place and list all authorized and conditionally accepted improvements or structures on the face of the permit. Conditionally accepted improvement(s) or structure(s) listed on the face of the permit will have a statement(s) regarding the conditions of the conditional acceptance. Currently, Forests with improvements or structures included in the O&M Plan are considered to be on the face of the permit. Beginning in 2008, when permits are issued, all improvements or structures will be listed on the face of the permit.

The Regional direction found in Supplement 2709.11-2000-1 has proven to be effective in providing clear, consistent direction on appropriate improvements or structures, associated uses with permitted cabins, and maintenance of recreation residences. There may be instances when a Forest or District may need to be more restrictive, or when the regional direction may be phased-in over a period of time, to gain permit holder awareness, understanding, and compliance.

In addition, we are working on changes to the R5 Supplement that will 1) establish a minimum deck size for smaller cabins and 2) formalize the region's process for conditional acceptance of nonconforming structures and improvements. You will be notified when these changes have been finalized.

This clarification letter and the changes to the R5 Supplement are a result of listening to the concerns of recreation residence associations and individual permit holders and Forest Service line officers, program managers and permit administrators.

If you have additional questions, please contact Donna Grosz, R5 Recreation Special Uses Specialist at (707) 562-8857.

/s/ John De La Torre (for)
BERNARD WEINGARDT
Regional Forester

cc:
Robert H Hawkins
Nancy Fleenor
pdl r5 rec officers