



**FOREST SERVICE HANDBOOK
PACIFIC SOUTHWEST REGION (REGION 5)
VALLEJO, CA**

FSH 2790.11 – SPECIAL USES HANDBOOK

CHAPTER 10 – APPLICATION AND AUTHORIZATION PROCESSING

Interim Directive No.: 2709.11-2006-1.

Effective Date: 8/23/2006

Duration: This interim directive expires on 2/23/2008.

Approved: VICKI JACKSON
Associate Regional Forester

Date Approved: 8/08/2006

Posting Instructions: Interim directives are numbered consecutively by Handbook number and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last interim directive was 2709.11-2004-01 to chapter 90.

New Document	id_2709.11-2006-1	6 Pages
Superseded Document(s) (Interim Directive Number and Effective Date)	None	

Digest:

This interim direction (ID) issues Regional direction for the authorization of recreation residence special use permits.

11.26 – Provides direction for review of existing related structures and/or improvements of Recreation Residence lots, determination of whether to authorize, modify or remove existing related structures and/or improvements, and use of conditional acceptance and compliance required.

Provides direction for the authorization of conditionally accepted structures and/or improvements to the face of the Recreation Residence Term Special Use Authorization form FS-2700-5a or Special Use Authorization form FS-2700-4.

FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 10 - APPLICATION AND AUTHORIZATIONS PROCESSING

Table of Contents

**11 – OVERVIEW OF RECREATION RESIDENCE SPECIAL USES PROPOSAL,
APPLICATION, AND AUTHORIZATION PROCESS 3**
11.26 – Decision To Approve or Deny Application and Proposed Use 3

FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 10 - APPLICATION AND AUTHORIZATIONS PROCESSING

11 – OVERVIEW OF RECREATION RESIDENCE SPECIAL USES PROPOSAL, APPLICATION, AND AUTHORIZATION PROCESS

11.26 – Decision To Approve or Deny Application and Proposed Use

As part of the recreation residence special use authorization compliance process for issuance of new term permits, the authorized officer (Forest Supervisor), delegated subordinate officer (District Ranger), or designated representative, reviews existing structures or improvements related (on and off lot) to Recreation Residence lots and determines whether the structures or improvements conform to regulations, policy, permit requirements, and guidance.

The construction, reconstruction, and maintenance standards in chapter 41 define the appearance and structure that represent the recreation residence experience in the forest environment. It is recognized that many improvements and/or structures now exceed or deviate from these standards. As opportunities develop during replacement, maintenance, and change of ownership of improvements and structures, National Forest staff should bring improvements and structures into compliance with these standards.

1. Approve the proposed use as submitted:

Structures or improvements that conform to regulations, policy, permit requirements, and guidance may be authorized, and shown on the face page of the new term permit.

2. Approve the proposed use with modification(s):

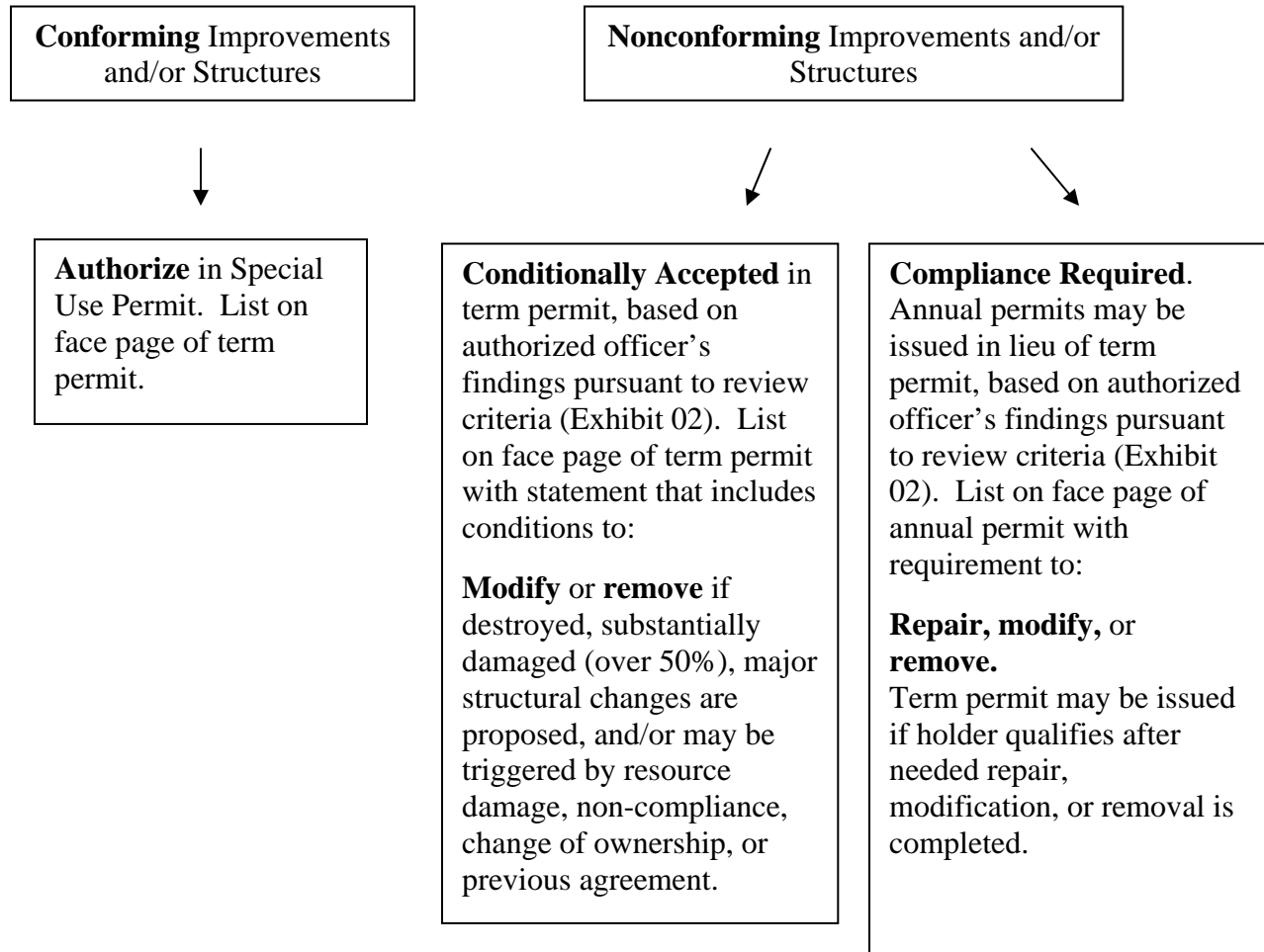
Structures or improvements which do not conform to regulations, policy, permit requirements, or guidance should be reviewed with the considerations listed in Exhibit 02. The authorized officer should consider each of the questions and make a reasoned decision of whether to authorize the improvement or structure with conditions or require that the improvement or structure be modified or removed. These questions are an effort to provide guidance in the use of discretion by the authorized officer. While each should be examined, the importance of each question to an individual decision will vary depending on the circumstances. If the authorized officer determines that the structure or improvement meet the considerations listed in Exhibit 02, the structures or improvements may be conditionally accepted.

If the structure or improvement is conditionally accepted, it should be listed on the face page of the term permit as conditionally accepted with a statement and/or requirement that the improvement or structure shall be modified or removed when the improvement or structure is destroyed, substantially damaged (over 50%), or major structural changes are proposed. Damage in this context is defined as from catastrophic event or natural causes, including deterioration based on age or lack of maintenance. Modifications may include but are not limited to reduction in size or relocation on the lot. Resource concerns, non-compliance, change in ownership or

FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 10 - APPLICATION AND AUTHORIZATIONS PROCESSING

previous agreement may trigger the modification or removal of conditionally accepted improvements or structures.

11.26 - Exhibit 01



FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 10 - APPLICATION AND AUTHORIZATIONS PROCESSING

11.26 - Exhibit 02

Considerations for Acceptance of Nonconforming Improvements and/or Structures

The authorized officer should consider the following questions and make a reasoned decision of whether to classify improvements and/or structures as **Conditionally Accepted** or **Compliance Required**. The criteria and decision shall be documented in the permit file.

1. Pre-existing documentation:
 - a. Is there documentation from term permit holder or Forest Service that states the improvement or structure was previously authorized or approved?
 - b. Is there pre-existing documentation from the Forest Service that required the permit holder to modify or remove improvements or structures?
2. Condition, character, and number:
 - a. Is the improvement or structure in compliance with health and safety laws, regulations, and ordinances?
 - b. Is the improvement or structure in good repair and serviceable for the foreseeable future?
 - c. Is there a need for the improvement or structure?
 - d. Does the improvement or structure harmonize with the existing setting?
 - e. How many other improvements or structures are there?
 - f. Can other improvements or structures serve the purpose?
 - g. Is the improvement or structure in a historic or unevaluated tract (consult the Recreation Residence Programmatic Agreement)?
3. Size:
 - a. Is the size of the improvement or structure proportionate to the other improvements or structures on the lot and appropriate for the use?
 - b. Consider whether the improvement or structure exceeds the following thresholds:

FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 10 - APPLICATION AND AUTHORIZATIONS PROCESSING

11.26 - Exhibit 02 - continued

- (1) For outbuildings, such as storage sheds, pump houses, and outhouses, how much does the improvement or structure exceed the current combined threshold of 40 square feet?
- (2) For combined decks, porches and patio size including walkways, does the size exceed the 60% of the primary structure footprint or, for small cabins, the 250 square feet threshold or maximum 800 square feet? By how much?

4. Resource Impacts:

- a. Is there a resource related concern with respect to the location or use of the improvement or structure, such as water quality, visual impact, wildlife habitat, archaeological sites, impacts to trees or other vegetation, or land coverage?
 - b. Does the improvement or structure restrict or discourage public access?
5. Does the improvement or structure generally fit within the agency's policy for the management of recreation residences?
- a. Protect the forest environment including soil, vegetation, water quality, wildlife, air quality, and historic resources.
 - b. Prevent urbanization of recreation residence tracts.
 - c. Help assure safety of the general public and the permit holders.
 - d. Maintain the national forest setting.
 - e. Comply with the terms and conditions of the special use permit.
 - f. Comply with requirements for protection of threatened and endangered species, historic cabins and tracts, and archaeological properties.