

# CHEROKEE NATIONAL FOREST

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## Alternative B

### Revised Recreation Residence Standards & Guidelines

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# **Recreation Residence Standards & Guidelines**

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## **BACKGROUND**

**A**s a special use permit holder for a Recreation Residence you are one part of a privileged group who have a vacation home on the National Forests. A special use permit is similar to a lease, in that the holder is not the owner of the land and that use of the land is limited by the terms of the permit/lease. Unlike a lease, special use permits must comply with the many laws and regulations that apply to the National Forests. All actions on federal lands require environmental analysis and public participation in the decision making process. It can take a lot of time to comply with these requirements with most forest decisions taking over a year to go from project proposal to a decision to implement.

### **Overview of the Permit**

The process of applying for and using a permit is relatively simple on the surface; the permit is a written authorization to use National Forest System Lands. That use is defined in the permit. The Recreation Residence owner is the Holder, and is legally and fiscally responsible for executing the terms of the permit. The permit defines what improvements to the site are allowed (i.e. house, path, mailbox), and the limits on how the site and improvements may be used (i.e. no commercial use or maintenance of certain items is allowed without prior approval). If the Holder wishes to do something that is not currently authorized on the permit, they can request that the permit be amended. Both the request and the authorization must be in writing. The request must contain enough information for the Forest Service to decide if the request meets policy and law. The Forest evaluates the proposal and makes a decision whether to approve, approve with modifications, or deny the request. In some cases other government agencies have to evaluate the proposal. If all approve, the permit is amended and a written notification is given to the Holder. Only when the written notification is received that the permit has been amended can the Holder begin the new use (i.e. building a patio, trimming vegetation). Routine maintenance is allowed without amending the permit. The Forest Services definition of routine maintenance is narrowly defined and the Holder is encouraged to consult prior to starting work to determine if an amendment is needed.

### **How This Document Is Used**

The Cherokee National Forest developed this set of standards and guidelines to assist the Recreation Residence owner in determining what uses the Forest Service would or would not permit in the future. This document essentially creates a screening tool for better and more consistent agency decisions associated with recreation residences, which is supported by an environmental analysis that has undergone public scrutiny. The standards and guidelines supplement the terms and conditions of the permit and are equally binding on the permit holder. However, nothing in these standards and guidelines should be interpreted to replace or change the terms and condition of the permit. If any discrepancies arise between this document and the permit, then the permit controls.

In many ways, the standards and guidelines contained herein provide much more flexibility to holders than prior standards. In other ways, the standards and guidelines are more restrictive, particularly in terms of vegetation management. In all ways, they have been designed to give more clarity and consistency than previous standards for recreation residences. They have been carefully developed as a response to and based on existing conditions of permit areas, customer demands for more amenities, the abundance of unauthorized improvements, improvements that exceed current Forest Plan and recreation residence standards, frustrations with timeframes required for approvals, changing expectations of recreation residence experiences, public perceptions of residences on public lands, inconsistencies in past approvals, inconsistencies in interpreting vague residence standards in the past, and the noticeable decline in abundance and diversity of vegetation along Parksville Lake where residences are located.

## **Requesting and Obtaining Authorization for Changes to Permitted Uses**

This document and the associated Environmental Assessment should make the process of obtaining written authorization from the Forest Service from a process that typically takes months or years to complete to perhaps weeks or even days in many cases. When proposing changes to the permit area that are above and beyond routine operation, maintenance, and minor repairs (which do not require formal written approval), the holder must first submit a written proposal to the Forest Service Permit Administrator. That proposal must clearly demonstrate and document who, what, where, when, why, and how the proposed project would occur. The holder must also demonstrate and document that the proposal meets all applicable standards and guidelines in this document as well as any other applicable laws, regulations, or policies. The proposal should be formal, professional, and commensurate with the scope of proposed work (*i.e. designs for changes and major repairs or rehabilitations to structures must be prepared by licensed professionals, whereas replacing a dock may simply require an explanation of the type and size of dock you are proposing along with documentation that it meets any federal, state, or local standards for floating docks as well as these standards and guidelines*).

The proposal is then reviewed at several levels within the Forest Service organization to ensure that it meets all the applicable requirements. If it passes this screening process, then a permit amendment is executed by both parties and the holder then has permission to implement the project. If it does not pass this screening process, then the proposal may be denied or returned to the holder for revision. This process is not really changing from what the Forest Service has always been required to follow in approving changes to the permit. However, as long as the request meets the approved standards and guidelines in this document, then the environmental analysis portion of the review process has already been completed and the written approval can be provided much faster. Any proposals that are outside the scope of these standards and guidelines may require additional site specific environmental analysis. Therefore, in order for the process to be streamlined, it is important that the holder uses due diligence to clearly show that the proposal meets the standards and guidelines prior to submitting the request.

## **Four Foundations of Recreation Residence Management**

Of the multitude of laws and policies four key things stand out as driving management of Recreation Residences on the Cherokee National Forest

1. Use of Recreation Residences will not preclude general public use and enjoyment.
2. The primary use of Recreation Residences is as vacation sites.
3. Construction and use of Recreation Residences will meet forest environmental standards.
4. Recreation Residences and associated facilities meet national standards for construction and maintenance to ensure safe use by the permit holders and others on site.

**Use of Recreation Residences will not preclude general public use and enjoyment.** This foundation simply states that use of recreation residences will not take precedence over the general public's use and enjoyment of the forest. Often the forest receives requests to clear vegetation to improve the view from the residence. In many locations this would degrade the view the general public sees. The standards address this issue by allowing a 20 foot wide view corridor. By limiting the size and amount of clearing, the impact to the general public's view is limited, while still allowing the cabin owner a scenic view. This does not mean that the general public has the right to use your home, parking lot, or boat dock.

The permit holder has exclusive use those items that are your personal property such as the house and the dock, and those items specifically permitted for your exclusive use, such as a parking lot. The land and water on which the building lies are not exclusive for all uses. The general public is not allowed to camp or spend the day recreating in the lot. But they are allowed to hike, hunt, or fish through the lots. If the public were allowed to camp next to your recreation residence, it would have a severe impact on the Holder, where prohibiting camping

would have little impact to the general public due to the wide availability of other sites available. But, fences are not allowed and the public is allowed to walk through the permit area. In this case, the intermittent crossing of the property by the public has little impact to the Holder, but would have a large impact to the public in preventing hiking or hunting in areas where residences occur.

**The primary use of Recreation Residences is as vacation sites.** Recreation Residences are not businesses or permanent residences. Use as either is prohibited and may result in loss of the permit. Additionally, many standards such as size of facilities were derived from this foundation.

**Construction and use of Recreation Residences will meet forest environmental standards.** Much of the policy and law affecting recreation residences lies in this area. Using these laws and policies, each National Forest develops a Forest Plan that guides and limits impacts to the environment. Every proposal to do something on the forest must meet the Forest Plan standards. In addition, the National Environmental Policy Act (NEPA) requires that all actions on federal lands disclose the effects of the action and allow for the public to comment before a decision is made.

Because these standards and guidelines have undergone a NEPA process, a new NEPA process for each individual cabin request would no longer be required unless such request is outside the scope of these approved standards and guidelines. For projects outside the scope of the standards and guidelines, the process can be lengthy, often taking three to six months for even minor projects.

**Recreation Residences and associated facilities meet national standards for construction and maintenance to ensure safe use by the permit holders and others on site.** This direction is straightforward. The Forest Service requires that qualified engineers review proposals to make sure they meet national standards for building and construction. In addition, our employees conduct annual inspections to assure that facilities are being maintained properly.





## **PREFACE**

### **Authority**

Act of March 4, 1915, 16 U.S.C. 497 (Term Permit Act)

36 C.F.R. Part 251, Subpart B, as amended

Forest Service Manual (FSM) 1920, 1950, 2340, 2720, and 5410

Forest Service Handbook (FSH) 2709.11, Chapters 10-50, subject to provisions

Forest Service Handbook (FSH) 5409.12, Chapter 60, subject to provisions

Terms and Conditions of the Special Use Permit for Recreation Residences, FS-2700-5a

### **Responsibilities**

Permit Holder – the permit holder has the responsibility to read, understand, and follow the terms of the permit, standards and guidelines, and any other federal, state, or local laws, regulations, or policies applicable to the uses authorized on National Forest System land. In addition, for activities other than routine operations and maintenance of authorized improvements, the permit holder has the responsibility to propose changes to authorized improvements and uses to the Forest Service. The holder is then responsible for insuring that written authorization is obtained for such changes prior to commencement with work.

Permit Administrator – the Permit Administrator (aka Case Manager) has the responsibility of managing the case file, providing information, guidance, and technical assistance, processing proposals and applications, and making recommendations to the Authorized Officer. This individual is the primary and initial contact for correspondence between the permit holder and the Forest Service in regards to the permit.

District Ranger - the District Ranger is responsible for all special use activities on the district. The District Ranger provides guidance, interpretation, and resolution of special situations or unique characteristics with the permit. The District Ranger may issue permits for short-term uses not to exceed 1 year in duration.

Forest Supervisor - the Forest Supervisor is the Authorized Officer for Recreation Residence permits. The Forest Supervisor has the authority to issue permits and amendments for long-term uses exceeding 1 year in duration. The Forest Supervisor provides guidance, interpretation, and resolution of special situations or unique characteristics with the permit which are outside the delegated authority of the District Ranger.

Tennessee Valley Authority - TVA administers lands and waters below the 838 feet Mean Sea Level elevation on Parksville Lake, which is the administrative boundary between the USFS and TVA. Any improvements or uses on TVA administered land or water must be jointly approved by the USFS and TVA.

## **Definitions**

Fixed Asset - a constructed feature such as a building, trail, deck, or other item of infrastructure. As used in these standards and guidelines, the term is synonymous with "Improvement." (see also "improvement")

Fixed Asset Component - A subsystem, major item of equipment, or other portion of a fixed asset. Examples of components include:

- The roof for a building
- The pavement for a road
- Steps for a path

Recreation Residence - the primary fixed asset/improvement of the special use permit. A building used as a part-time home or dwelling for noncommercial recreational use by the permit holder, the holder's immediate family, and the holder's non-paying guests.

Improvements - fixed assets and components, whether on or off the lot, which are owned, operated, and/or maintained by the permit holder. Such improvements include but are not limited to the Recreation Residence, signs, fences, name plates, mailboxes, newspaper boxes, boathouses, docks, pipelines, antennas, water and sewer facilities, and storage sheds. There are 5 types of improvements addressed in the standards and guidelines:

Building Improvements - improvements which are roofed structures constructed for mostly permanent use in one place.

Outdoor Living Improvements – improvements and/or areas that are constructed, modified, or cleared to facilitate outdoor living. Such areas include but are not limited to patios, benches adjacent to paths, barbeques and fire rings, and lake zone decks (see also 'Lake Zone Decks'). Decks attached to the residence are not Outdoor Living Improvements, but rather a part of the residence.

Water Use Improvements – improvements located in the lake zone which are entirely or partially on, in, and/or over the water that facilitate reasonable use and enjoyment of the lake. Such improvements include but are not limited to floating docks, constructed docks, jet ski ramps, fishing piers, and lake zone decks (see also 'Lake Zone Decks').

Vegetative Improvements – any modification of vegetation including but not limited to clearing, felling, brushing, mowing, trimming, pruning, or eradicating vegetation in areas associated with driveways, parking areas, walkways, patios, buildings and other authorized improvements.

Ancillary Improvements – all fixed assets or improvements not defined as the Recreation Residence, Outdoor Living improvements, or Water Use Improvements. Such improvements include but are not limited to: exterior lighting, sanitary sewage disposal systems, water lines, power lines, signs, driveways, and gates.

Maintenance – The act of keeping fixed assets in acceptable condition and service for its expected lifespan. This includes preventive maintenance, normal repairs, replacement of parts and structural components, and other activities needed to preserve a fixed asset. Maintenance excludes activities aimed at expanding the capacity of an asset or otherwise upgrading it to serve needs different from, or significantly greater than those originally intended. Maintenance includes work needed to meet laws, regulations, codes, and other legal direction as long as the original intent or purpose of the fixed asset is not changed.

Operations – activities related to the normal performance of the functions for which a fixed asset or component is intended to be used.

Maintenance Plan – a document prepared jointly by the holder and the Forest Service that describes yearly maintenance on the Recreation Residence. These are updated at a minimum once every 5 years. Once they are approved by the Forest Service the permittee is allowed to perform any activities listed in the plan without further approval from the Forest Service.

Deferred Maintenance – maintenance that was not performed when it should have been or when it was scheduled and which, therefore, was put off or delayed for a future period.

Lake Zone - Parksville Lake and any land area within 50 feet of the normal summer pool elevation of Parksville Lake (as measured on the ground) is designated as the 'lake zone.'

Lake Zone Decks - Outdoor Living Improvements located in the lake zone which are constructed or primarily used for purposes of outdoor living or entertaining. These structures do not have roofs or walls and are typically constructed with safety railings and comprised of wood or other board-like materials. When lake zone decks are constructed entirely or partially on, in, and/or over the water, they are considered Water Use Improvements *in addition to* Outdoor Living Improvements.

Repair - Work to restore a damaged, broken, or worn-out fixed asset, component, or item of equipment to normal operating condition.

Rehabilitation - Renovation or restoration of an existing fixed asset or any of its components in order to restore the functionality or life of the asset. Because there is no significant expansion or change of purpose for the fixed asset, the work primarily addresses deferred maintenance.

Replacement - Substitution or exchange of an existing fixed asset or component with one having essentially the same capacity and purpose. The decision to replace a fixed asset or component is usually reached when replacement, rather than repair or rehabilitation, is more cost effective, more environmentally sound, or in the best interest of the government [and permit holder]. The size or capacity of the existing fixed asset is not significantly expanded in a replacement. Replacement of an asset or component usually occurs when it nears or has exceeded its useful life.

New Construction - the erection, construction, installation, or assembly of a new fixed asset.

Alteration - work to change the function of an existing fixed asset. The capacity or size of the fixed asset is not significantly changed.

Expansion - increasing the capacity or size of an existing fixed asset to serve needs different from, or significantly greater than, those originally intended.

Personal Property - property owned by an individual which is movable and is not affixed to or associated with the land. Such items include, but are not limited to canoes, boats, trailers, chairs, canopies, etc.

Grandfather - an expression used to describe a regulatory entity's willingness to allow some previously permitted activities or former permissions to continue even though not technically allowed under current or new regulations.

## About the Revised Standards and Guidelines

The Revised Standards and Guidelines are organized into the following 6 standard categories:

- Building Improvements
- Outdoor Living Improvements
- Water Use Improvements
- Vegetative Improvements
- Ancillary Improvements
- Operation, Maintenance, and General Uses

The first 5 standard categories address standards and guidelines for 'improvements', i.e. the physical or built environment that the permit holder has been authorized or is seeking authorization to manipulate from the naturally occurring landscape. The 6<sup>th</sup> standard category (Operation, Maintenance, and General Uses) addresses, in general, *how* such authorized improvements are or would be allowed to operate, be maintained, developed, or used. It also addresses uses and items on the lot which are not, by definition, 'improvements.'

Special situations may exist where improvements, operation, maintenance, or other uses are not addressed in these standards and guidelines or the terms of the permit. Some situations may require additional site specific analysis and/or adoption of supplemental standards and guidelines applicable to the individual needs of the situation in question. Such situations will be addressed on a case-by-case basis in consultation with the Permit Administrator and District Ranger. Approval, or not, of these special situations is at the Authorized Officer's discretion.

Nothing in these standards and guidelines should be interpreted to imply that if a use or activity is not addressed in the standards in guidelines or the permit, then such use or activity is automatically allowed. On the contrary, any use or activity not specifically authorized by a person with the authority to grant such authorization or exempted or waived by law, regulation, policy, or order should be assumed to be prohibited.



## STANDARDS AND GUIDELINES

### Standard 1: Building Improvements

**1.1 – Buildings Allowed:** The Holder is limited to one residence, one storage building, and one pump house on the Recreation Residence lot.

**1.2 – Location of Buildings:** No buildings will be allowed to be constructed in the lake zone.

- **1.2.1:** No building will be allowed to be constructed adjacent to the lake zone when fire protection, access, or utility needs would require modification of the lake zone vegetation except in the following situation:
  - Where the disturbance and impact is short term (*An example of this is where there may be a need for equipment to cross or use a portion of the lake zone area during construction. This would be approved if the disturbance was short term such as limited to the time of construction and the impact was short term such as where the vegetation was expected to recover quickly*).
  - When the disturbance would be a pathway connecting the home to docks and outdoor living improvements in the lake zone.

**1.3 – Residence Specifications:** The recreation residence is limited to one story above ground construction, with a maximum footprint of 2100 square feet and a maximum height above foundation of 28 feet.

- **1.3.1:** The footprint includes decks attached to the house. At the holder discretion, the footprint may include patios and other 'outdoor living improvements' connected to the house (see Standard 2 for discussion of Outdoor Living Improvements).

- **1.3.2:** Maximum roof height above ground is 28 feet, measured from the top of the foundation with a pitch at or between 3:12 to 9:12. The roof must be of gable and ridge or hip construction with fire resistant shingles; no metal roofs allowed. Attics may be developed into living space, but windows will be limited to walls (dormer windows not allowed).
- **1.3.3:** Top of the foundation will be within two feet of ground level along one side of the building. Foundation may be stone masonry, concrete, brick, concrete or cinder block wall or piers, on suitable reinforced concrete footings. Basements may be constructed into living or storage space. Foundations must blend with the landscape in its natural finish, or be painted an appropriate blending color such as soft shades of gray, brown, or green.
- **1.3.4:** Exterior colors and materials – the Forest Service will maintain a list of pre-approved colors and materials.
- **1.3.5:** Changes to structures may be subject to review by archaeologists prior to approval. See the Forest Service and the Tennessee State Historic Preservation Office (SHPO) Memorandum of Agreement(MOA) Stipulation

**1.4 – Storage Building Specifications:** Each recreation residence will be allowed one storage building with a maximum footprint of 100 square feet with a maximum total height of 12 feet.

- **1.4.1:** Exterior colors and materials – the Forest Service will maintain a list of pre-approved colors and materials.

**1.5 – Pump House Specifications:** Each recreation residence will be allowed one pump house with a maximum footprint of 25 sq. ft. and a height no more than 5 feet.

- **1.5.1:** Exterior colors and materials – the Forest Service will maintain a list of pre-approved colors and materials.

#### **1.6 – Building Grandfather Provisions:**

- **1.6.1:** All existing buildings (structures with a roof) that are in addition to the residence, pump house, and/or storage shed that are already approved and listed on the permit will be allowed unless scheduled for removal in Standard 1.7. Grandfathered buildings include, but are not limited to garages, gazebos, outhouses/toilet, patio covers, bunkhouses, or parking covers. The Holder will be allowed to operate, maintain, and repair but not rehabilitate, replace, alter, or expand

these buildings. Outhouses must be removed and the site restored once a septic system is installed.

- **1.6.2:** Holders with residences, pump houses, and/or storage sheds that exceed the building specifications will be allowed to operate, maintain, and repair but not rehabilitate, replace, alter, or expand these structures unless complying with the residence, pump house, and/or storage shed specifications. An exemption may be granted in cases affecting safety of health (*An example would be where a house plus deck has a footprint of 2200 sq. ft. and the permittee wishes to change the dimensions of the deck from 10' by 20' to 10' by 12'. The request would not be granted even though the deck is getting smaller. The reason is the structure would still not meet the standard of 2100 sq. ft. If the proposal was to build the deck at 10' by 10', it would be approved because the change would make the footprint 2100 sq. ft., bringing the structure into compliance with the standard. An example of an exemption is where a request was made to change wiring from a fuse system to a breaker system for safety reasons. This would only be granted if the same number of outlets, lights, etc... were proposed as was in the structure with the fuse system*).

**1.7 – Buildings Scheduled for Removal:** The following improvements must be removed or converted to improvements that meet the standards and guidelines by the end of the permit term (December 31, 2028).

- **1.7.1: Boathouses** – Boathouses are roofed structures and therefore are buildings. Buildings are not allowed in the lake zone and these particular structures are not grandfathered. This removal applies to Cabins 10, 16, 19, 22, 23, and 30.
- **1.7.2: Roofed Lake Zone Deck** – Roofed decks in the lake zone are buildings. Buildings are not allowed in the lake zone and these particular structures are not grandfathered. This removal applies to Cabin 35.
- **1.7.3: Second Story Decks** – Decks with two stories are considered buildings as the second story serves as a roof for the first story. Buildings are not allowed in the lake zone and these particular structures are not grandfathered. This removal applies to Cabin 27.

## **Standard 2: Outdoor Living Improvements**

**2.1 – Outdoor Living Improvements Allowed:** The Holder is allowed up to 250 sq. ft. of outdoor living improvements on the lot. The Holder is also allowed up to 250 sq. ft. of outdoor living space in the lake zone in addition to the 250 sq. ft. allowed on the lot. Within these spaces, the holder can develop new and/or add to existing improvements. Improvements



allowed in outdoor living spaces include, but are not necessarily limited to: patios, lake zone decks, fire rings, BBQ's, and picnic areas.

## **2.2 – Location of Outdoor Living Improvements :**

- **2.2.1: Lot Outdoor Living Improvements** – The 250 square feet can be allocated in a single area (*such as a 25 foot by 10 foot patio*), or in multiple areas (*such as a 10 foot by 10 foot patio, a 14 foot by 10 foot BBQ, and a 2 foot by 5 foot bench*). The area includes any constructed and/or vegetative improvements that facilitate outdoor living (*A 4 foot diameter fire ring would count as both the size of the fire ring and the area around it cleared to facilitate use. See also 'Standard 4: Vegetative Improvements'*).
- **2.2.1: Lake Zone Outdoor Living Improvements** – The 250 sq. ft. must be allocated in a single area and must be no wider than 30 feet on the side facing the lake.

## **2.3 – Outdoor Living Improvements Specifications**

- **2.3.1: Decks** – Decks are only allowed if connected to the residence or located in the lake zone. Decks connected to the residence are considered part of the residence and not outdoor living improvements (see Standard 1.2.1). Decks that are not connected to the residence and not in the lake zone are not allowed.
- **2.3.2: Lake Zone Decks** – Lake zone decks are allowed under the following conditions:
  - One edge rests at ground level and is attached to dry land. Decks may extend over water from the land.
  - Decks located entirely on land will be calculated in the 250 sq. ft. of allowable outdoor living space.
  - Decks extending over water from the land can be up to 250 sq. ft. and no wider than 30 ft. on the side facing the lake (see Standard 2.2.1). These decks will be calculated in the 1008 sq. ft. of allowable water use improvements (See also Standard 3.3.3) and in the 250 sq. ft. of allowable outdoor living improvements (See also Standard 2.2.1). (*Example: If a Holder has a 250 sq. ft. deck that extends over the water from the land and said deck is 30 ft. wide on the side facing the lake, then the holder can develop up to 758 sq. ft. of additional water use improvements within the 1008 sq. ft. water use improvement rectangle.  $1008 \text{ sq. ft.} - 250 \text{ sq. ft.} = 758 \text{ sq. ft.}$  However, the Holder will not be allowed to develop any more outdoor living improvements in the lake zone since the 250 sq. ft. allocation is used up by the deck. In this example, if the Holder had only a 200 sq. ft. deck, they still would not be able to develop an additional 50 sq. ft. of outdoor living improvements*

*elsewhere in the lake zone because the outdoor living improvements must be allocated in a single location, see Standard 2.2.1.)*

- Railings or other permanent attachments do not exceed 48 inches in height above the top of the decking.
- Stairs and railings are kept to the minimum length practical
- **2.3.3: Patios** – Patios and other outdoor living improvements connected to the residence may be counted either as part of the house footprint (when the house footprint is not used up by the house and attached deck), or counted as part of the outdoor living space allocation. *(An example of this is where a house and deck have a footprint of 1800 sq. ft and a 250 sq. ft. patio also is attached to the house. The Holder could count the patio as part of the house footprint and build a patio up to 250 sq. ft. somewhere else on the lot, or count the patio as outdoor living improvements and increase the deck and house an additional 300 sq. ft. In another example the Holder with a 2100 sq. ft. deck and house combination would not be allowed to count the deck as outdoor living improvements and increase the size of the house because decks must be attached to the house and counted as part of its footprint).*

**2.4 – Outdoor Living Improvements Grandfather Provisions:** All existing outdoor living improvements not meeting the standards and guidelines that are already approved and listed on the permit will be allowed unless such improvements are also considered building improvements and/or water use improvements that are scheduled for removal in Standards 1.7 or Standard 3.5. Grandfathered outdoor living improvements must be designed to meet the standards and guidelines when the holder proposes rehabilitation, replacement, alteration, or expansion of improvements. Existing outdoor living improvements that are not listed on the permit will be reviewed and addressed on a case by case basis.

### **Standard 3: Water Use Improvements**

**3.1 – Water Use Improvements Allowed:** Holders are allowed to develop new and/or add to existing water use improvements such as docks, lake zone decks, jet ski ramps, fishing piers, etc.

**3.2 – Location of Water Use Improvements:** Water Use Improvements must be located in a single area. This location is restricted to the following size:

- **3.2.1:** The square footage of a rectangle drawn to enclose all the water use improvements must be equal or less than 1008 sq. ft. (i.e. roughly a 31 ft. by 31 ft. square, 20 ft. by 50 ft. rectangle, etc.).

### **3.3 – Water Use Improvements Specifications:**

- **3.3.1: Docks** –Docks are purposed for ingress and egress from a watercraft and are not considered outdoor living improvements.
- **3.3.2: Gangways** – The water use improvements must use a common gangway to connect to the land, deck, or other improvement on the land and that gangway is the minimum length necessary to facilitate use of the dock.
  - Gangways are subtracted from the rectangle square footage if the gangway connects the land with a dock. Gangways are not subtracted from the rectangle square footage if the gangway connects an improvement on the land (such as lake zone deck) with a dock.
- **3.3.3: Lake Zone Decks** – Lake zone decks extending out over the water with one edge resting on the ground are allowed and are considered water use improvements and outdoor living improvements (See also Standard 2.3.2). In addition, holders may develop new and or add to existing such decks provided they are located within the 1008 sq. ft. of allowable water use improvements and no wider than 30 ft. on the side facing the lake and comply with the rest of Standard 3.
  - No new decks that are over the surface of the water, that are not connected to land on one edge (free standing decks out in the water) will be allowed.
  - Cabins 43, 44, 45, and 46 have available an exception to the limits on developing free standing decks out in the water. This exception is due to the close proximity of Card Spur Road to the lake shore. This limits or makes nonexistent their chance for 250 square feet of outdoor living space in the lake zone. They have one of two options. These cabins either get 250 square feet of lake zone deck which is entirely or partially on, in, and/or over the water (i.e. free standing decks or decks connected to the land) or 250 square feet of outdoor living improvements in the lake zone that is entirely located on land, but not both.
- **3.3.4: Height Restrictions** - No improvement can exceed 40 inches height above summer pool except gangways or railings needed for safety. This includes diving boards, slides, and other constructed features and/or overhead components (i.e. no roofs, second story decks, etc. are allowed)

**3.4 – Water Use Improvements Grandfather Provisions:** All existing water use improvements not meeting the standards and guidelines that are already approved and listed on the permit will be allowed unless such improvements are also considered building improvements and/or water use improvements that are scheduled for removal in Standards 1.7, or Standard 3.5, or stipulated for removal as a condition of approval in Standard 3.4.1. Grandfathered water use improvements must be designed to meet the standards and guidelines when the holder proposes major rehabilitation, replacement, alteration, or expansion of improvements. *(An example is if a holder has a deck, gangway, and dock and the holder proposes a smaller dock. The rectangle is currently 2000 sq. ft. and the smaller dock would bring the rectangle to 1300 sq. ft. Although the dock is getting smaller, additional modifications to the arrangement or size of water use improvements would be required as a stipulation of approval in order to be within the allowed 1008 sq. ft. rectangle.)* Existing water use improvements that are not listed on the permit will be reviewed and addressed on a case by case basis.

- **3.4.1:** Existing free standing decks in the water are grandfathered and will be allowed to be repaired and maintained only with no major rehabilitation, replacement, alteration, or expansion. If the holder has a grandfathered free standing deck in the water and proposes rehabilitation, replacement, alteration, or expansion of any water use improvement(s), removal of the free standing deck would be a condition of approval. *(An example would be where a holder with a free standing deck proposes enlarging their dock and the holder is in compliance with all other aspects of Standard 3. The authorized officer would approve the larger dock as long as the holder agrees to remove the free standing deck prior to enlarging the dock.)*

**3.5 – Water Use Improvements Scheduled for Removal:** The following improvements must be removed or converted to improvements that meet the standards and guidelines by the end of the permit term (December 31, 2028).

- **3.5.1:** Water use improvements or components thereof which are higher than a standard safety railing must be removed. This does not apply to personal property, only improvements and/or components of a permanent nature, if such improvements exist.
- **3.5.2: Diving Boards and Water Slides –** Diving boards and water slides that extend over 40 inches above the water at summer pool level. This removal applies to Cabins 16, 21, 23, 27, and 55. Diving boards and water slides are allowed as long as they do not extend over 40 inches above the water at summer pool level.

## **Standard 4: Vegetative Improvements**

**4.1 – Vegetation Modification:** No modification of vegetation, on or off the lot, is allowed except under the following circumstances:

- **4.1.1:** Vegetation modification to reduce the risk of wildfire damaging structures is allowed. An on-site evaluation by the Forest Service is required to determine what modification would be allowed. Maintenance of the fire protection zone is allowed, but only if listed in the Maintenance Plan and approved by the Forest Service. *(Generally this type of modification includes trimming back of brush and some thinning of trees within 30 feet of the house. Other issues may play a role in determining what work will be allowed such as needing vegetation left as a visual buffer, or for protecting water quality).*
- **4.1.2:** Vegetation may be modified in areas where the permit specifies an approved use for the area, such as roads, parking lots, patios, walkways, outdoor living improvements, etc. These modifications must be to maintain or improve the use and are required to be listed in the Maintenance Plan and approved by the Forest Service *(Some examples include clearing along a driveway to improve line-of-sight distance, clearing vegetation in and adjacent to a patio or pathway, mowing a lawn on permits that allow lawns).*
- **4.1.3:** Hazards to structures or people at the site may be removed or modified with prior approval from the Forest Service. Approval means the Forest Service marks the tree and issues a timber permit to the holder prior to cutting of the tree (see also Clause III.E. of the Term Special Use Permit for Recreation Residences). There are rare cases where prior approval is not necessary. The risk must be imminent and not avoidable in the time it would take to contact the Forest Service. The Forest Service must be contacted the first business day after the emergency work. *(An example of this is when a wind storm pushes a tree over so that it is leaning over a house on a weekend. The risk to the house is imminent and waiting until Monday to contact the Forest Service may result in damage to the house. If the tree was leaning over a path, or parking lot instead, prior permission is required because the risk is avoidable by not walking or parking under the tree).*
- **4.1.4:** Recreation Residences without lake access may be allowed up to ½ acre of lawn, but not exceeding their lot size.
- **4.1.5:** In situations where an existing residence is located in the lake zone, and reduction of risk to a residence from fire would occur in the vegetation management zone, a minimum of ½ the distance from the lake to the building will be retained in an unmanaged state. *(A house is located 20 feet from the lake. Fuels reduction such as thinning may be approved up to 10 feet away from the house).*

- **4.1.6:** Holders may request approval of a view corridor up to 20 feet wide between the Recreation Residence and the lake.
  - Primarily focused on the management of brush, limbs, and small trees. Removal of trees larger than 2 inches diameter will only be approved in the initial designation of the corridor. A permit is required before they can be cut.
  - Once a corridor is established, a new corridor will not be approved until the old corridor has re-vegetated to a state that is similar to the surrounding forest (*An example of this is where a holder modifies the house and the living room window is now on the opposite end of the house. A request to create a new corridor for this new window will not be approved until the vegetation in the old corridor has grown up to match the surrounding forest.*).

**4.2 – Landscaping:** Only plants native to the Recreation Residence site will be approved for use in landscaping or use on site where there is a risk that a non-native plant may establish itself in the surrounding forest.

- **4.2.1:** Plants kept in the house are not likely to establish in the surrounding forest and therefore are allowed.
- **4.2.2:** Plants kept in pots outdoors on patios or porches are generally allowed as long as it is not designated as invasive or as a noxious weed by either the state of Tennessee or by the Cherokee National Forest (Forest Botanist maintains current regional and state guidance on invasive exotic plants).
- **4.2.3:** Straw and some types of mulch may contain seeds of noxious weeds and must be weed free for use on the Cherokee National Forest.
- **4.2.4:** For the permits that allow lawns, non-native grasses may be approved for seeding/reseeding. Seed must be certified weed free for use on the Cherokee National Forest (*Some permits that do not have lake access are allowed lawns – Lake access permits do not allow lawns.*)
- **4.2.5:** The holder may use, in accordance with manufacturer recommendations, over the counter herbicides for eradication of non-native or invasive plants on the lot (i.e. English ivy). Such efforts must be coordinated with the Forest Service.

**4.3 – Vegetative Grandfather Provisions:** Vegetative improvements not meeting the standards and guidelines are not grandfathered and must cease to be developed, maintained, or

operated. The holder may develop, reconfigure, rearrange, or otherwise plan vegetative improvements to meet the standards and guidelines.

- **4.3.1:** Only vegetative improvements meeting these standards and guidelines will be allowed to continue. All other natural vegetation will be allowed and encouraged to grow.

## **Standard 5: Ancillary Improvements**

**5.1 – Exterior Lighting:** Exterior lighting is allowed on buildings, at outdoor living improvements, and along paths to facilitate safe use of the site after dark if the lighting is designed to minimize light pollution off site.

- **5.1.1:** Exterior lights can only be used when the recreation residence is occupied. No automated security lights are allowed. Interior lighting that shines out from the residence is similarly restricted to use during occupancy.
- **5.1.2:** Lighting located higher than 3 feet off the ground must point straight down and have a reflector that directs the light towards the ground and shielding that prevents light from shining above horizontal. Additionally these lights may have a maximum light output of 1700 lumens (which is roughly equivalent of a 100 watt incandescent bulb).
- **5.1.3:** Lights located higher than 3 feet from the ground are limited as follows;
  - 1 allowed at each entrance of the residence or storage building.
  - 1 allowed at the parking area.
  - 1 total allowed for outdoor living improvements or decks attached to the residence.
- **5.1.4:** Lighting located at 3 feet or lower from the ground may have a maximum light output of 350 lumens (which is the roughly equivalent of a 35 watt incandescent bulb) and have shielding that prevents light from shining above horizontal..
- **5.1.5:** Lights located 3 feet or lower from the ground (or floors) are limited as follows:
  - 1 allowed every 10 ft. along pathways.
  - 1 allowed for each 50 sq. ft. of outdoor living space.

- 1 allowed on dock facilities.

**5.2 – Gates:** Gates are permissible for driveways, but have to be approved. This includes color, design, and standard object markers and reflectors.

**5.3 – Roads, Driveways, and Parking Areas:** Existing roads, driveways, and parking areas are allowed and may be operated, maintained, and repaired. Acceptable maintenance and repair include adding gravel, cleaning out ditches and culverts, grading, repairing potholes, and other minor activities in the spirit of the definition of maintenance. Written requests and approvals are required for construction, major rehabilitation, alterations, or expansions to roads, driveways, and parking areas. Such requests will be reviewed by the Forest Roads Engineer. Approval in such cases may require additional site specific environmental analysis and design, depending on the situation.

- **5.3.1:** Holders are responsible for the operation, maintenance, and repair of driveways and parking areas serving their residences. Only specified National Forest System roads are the responsibility of the Forest Service.
- **5.3.2:** Holders may request and be granted approval from the Forest Service to operate, maintain, and repair National Forest System roads. Such requests will be reviewed on a case by case basis and require a separate road permit to an individual or road association/organization.

**5.4 – Paths, Walkways, and Trails:**

- **5.4.1:** Pathways connecting the residence to parking lots, utility sites, outdoor living improvements, and the lake zone are allowed.
- **5.4.2:** Pathways do not count as part of the outdoor living improvement calculation. They may not exceed 4 feet cleared vegetation width, and 3 feet of tread width.

**5.5 – Fences:** Fences are not allowed and the public is allowed to walk through the permit area.

**5.6 – Permanent storage boxes:** will be allowed as long as the box is in the outdoor living space, is no taller than 40 inches, and is constructed of an approved natural material and color that is harmonious with the elements in the outdoor living space area.

**5.7 – Water Lines, Power Lines, Septic Systems, and Other Utilities:** Water lines, power lines, septic systems, and other utilities are acceptable improvements on the lot. In many cases, the Forest Service must approve such uses by amending the residence permit and the utility company permit (if applicable)



- **5.7.1:** In general, water lines, power lines, cable lines, and other linear utilities should be buried rather than run aboveground. All utilities must be installed to meet applicable codes (see Standard 6.5).

**5.7 – Ancillary Improvements Grandfather Provisions:** All existing ancillary improvements not meeting the standards and guidelines that are already approved and listed on the permit will be allowed unless such improvements are also considered building improvements and/or water use improvements that are scheduled for removal. Grandfathered ancillary improvements must be designed to meet the standards and guidelines when the holder proposes major rehabilitation, replacement, alteration, or expansion of improvements. Existing ancillary improvements that are not listed on the permit will be reviewed and addressed on a case by case basis.

## **Standard 6: Operation, Maintenance, and General Uses**

**6.1 – Location of Uses and Improvements:** All uses and improvements must be located within the lot boundaries with the following exceptions:

- Roads, parking lots, and paths connecting these sites to the lot when the Forest Service determines that it is in the best interest of the agency to locate them outside the lot. *(An example would be where constructing a parking space on the lot would not meet environmental standards but could be constructed near the lot and meet them).*
- Utilities where they are not practical or by necessity must be located off the lot. Utilities include electrical, water and sewer and may include satellite TV/internet at the discretion of the Forest Service. This standard includes provisions for an access trail or vegetation management when needed for maintenance. *(An example of this is where city water and sewer is available and the lines must leave the lot to connect or when a septic tank would not function properly on the lot, but could be located nearby and function correctly).*
- Where structures are located near the lot line and the Forest Service determines that some limited vegetation management would be allowed for protection of the structure *(An example would be fire protection).*
- In cases where improvements are at risk due to a condition outside the lot, the Forest Service may grant permission to reduce or remove the risk *(An example of this is where a tree may be ready to fall on the house, but is located outside the lot).*

**6.2 – Personal Property:** Items associated with the recreational nature of the site may be used at the recreational residence and stored short term. No long term storage of personal effects is allowed on site except in enclosed structures listed on the permit.

- **6.2.1:** Items associated with the recreational nature of the site include lawn chairs; canoes, power boats etc., but must be directly related to the use of the site as a recreation residence. *(An example of this may be where a camper trailer is left on site. This would be allowed when, on a family reunion weekend, the camper would be used to house extra guests. It would not be allowed when the trailer is there just to free up parking space at the Holders home. Additionally, the trailer could only be on site during the period or season of use, which, in this example would be the weekend of the family reunion and removed the trailer after that weekend.)*
- **6.2.2:** Long term is defined as periods of absence from the site of more than one month or items whose use is seasonal in nature and kept on site outside the season of normal use. *(An example of this is power boats, Jet Ski, etc may be kept at the residence during the months that the lake is at summer pool, but must be removed from the site for the winter months. If the owners of the residence expected not to return in the next month, the boat would need to be removed from the site. Items such as lawn chairs, canoes, etc. would either need to be removed or stored in enclosed structures on the site).*
- **6.2.3:** Anything stored within the residence, a storage shed, or similar constructed enclosed building may be left on site year round. The enclosed building must be structures approved on the permit or grandfathered. *(An enclosed building is one with walls and a roof, and is secured with a door. Storage is allowed under porches when space is enclosed with walls or lattice such that the stored items are hidden from view. Temporary storage containers such as plastic storage bins or boxes are not approved for long term storage and must be themselves stored.)*
- **6.2.4:** Any item that has the potential to be blown off site on a windy day must be removed or stored in an enclosed building prior to leaving the site regardless of the time of absence.
- **6.2.5:** Temporary shade canopies with frames are allowed on improvements (such as 'easy-ups' or similar products), but must be taken down when not in use, particularly at the end of the summer season or during periods of extended non-use. Reasonable conservatism should be exercised in use of these products. Shade canopies may not have constructed frames or roofs or be intended for permanent use, because they would then be considered unauthorized improvements rather than movable personal property.

**6.3 – Trash Storage and Disposal:** Trash must be stored in animal resistant containers (especially for black bears) or kept inside the residence. Trash must be disposed of off the National Forest; dumping in Forest Service trash containers is not permitted and is a violation of law. Trash must be removed from National Forest land a minimum of once every seven days.

**6.4 – Use and Storage of Hazardous Materials:** Use and storage of hazardous materials is not permitted with the following exceptions:

- **6.4.1:** Household products normally found at a supermarket or home improvement store are allowed if the quantity of an individual product does not exceed 1 gallon and they are stored in their original container. (*Some examples include bleach, herbicides, pesticides, etc...*).
- **6.4.2:** Liquid fuels and oil may be stored on site if the total quantity is less than 25 gallons and it is stored in containers certified for the fuel. Propane may be stored on site in approved tanks/containers. No permanent fuel storage tanks/containers are allowed except for propane.

**6.5 – Codes:** All improvements must meet current International Codes developed by the International Code Council (ICC) and other national, state, and local codes (when applicable) for safe construction:

- **6.5.1:** Electric Wiring - Materials and equipment shall be Underwriters Laboratory (UL) approved and installation shall be in accordance with the National Electric Code.
- **6.5.2:** Sub-surface wastewater disposal systems shall comply with Tennessee Code Annotated, Section 53-2044 and shall be approved by the local county health department.
- **6.5.3:** All plans and revisions to plans for development, layout, construction, reconstruction, or alteration of improvements shall be prepared and stamped by a licensed professional engineer or architect registered in the state of Tennessee. Plans will then be presented for review by the Forest Service engineering staff prior to approval by the authorized officer and commencement of any work. (see also Clause II.B. of the Term Special Use Permit for Recreation Residences.)

**6.6 – Signs:** Signs are allowed under the following conditions:

- **6.6.1:** Signs required:

- One sign displaying the cabin number is to be prominently placed at the entrance of driveways, gates, or pathways providing the primary ingress/egress to the residence. Such signs or numbers shall be reflective, with 4-6 inch lettering.
- One sign displaying the cabin number is to be prominently placed on each boat dock or lake zone deck. Such signs or numbers shall be reflective, with 6-10 inch lettering.
- Signs controlling traffic or otherwise needed for the safety of vehicles or the public. Traffic control signs must meet Department of Transportation standards and be approved by the Forest Service.
- **6.6.2:** The following types of signs are acceptable:
  - Forest Service provided signs indicating the area is under a special use permit or other Forest Service provided sign.
  - Signs displaying the name of the cabin owner or a nickname for the cabin, provided that such nicknames are appropriate for public display and do not contain offensive or explicit words or language. All such signs shall be of a color, material, size, and lettering acceptable to and approved by the authorized officer.
- **6.6.3:** The following types of signs are prohibited:
  - No trespassing signs
  - Private property signs or signs giving the impression that the permitted area is private property
  - Any sign nailed or screwed to a tree
  - Any other sign, unless approved in writing by the authorized officer

## **6.7 – Burning:**

- **6.7.1:** Burning of woody debris (brush piles) is allowed. The holder must follow rules and regulations established by the Tennessee Division of Forestry. The holder must obtain a burn permit from the Tennessee Division of Forestry and notify the Forest Service Ranger Station prior to burning.
- **6.7.2:** No other outdoor burning is permitted, besides campfires in fire rings.