



**FOREST SERVICE HANDBOOK  
SOUTHWESTERN REGION (REGION 3)  
ALBUQUERQUE, NEW MEXICO**

**FSH 2709.14 – RECREATION SPECIAL USES HANDBOOK**

**CHAPTER 20 – RECREATION RESIDENCES AND OTHER NONCOMMERCIAL,  
PRIVATELY OWNED IMPROVEMENTS AUTHORIZED TO INDIVIDUALS**

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**Posting Instructions:** Supplements are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this supplement. Retain this transmittal as the first page(s) of this document. The last supplement to this title was 2709.11-2003-1 to chapter 50.

<b>New Document</b>	2709.14_20	13 Pages
<b>Superseded Document(s) by Issuance Number and Effective Date</b>	None	

**Digest:**

23 – Provides direction for recreation residence permit administration. This direction was previously found at FSH 2709.11, Chapter 40.

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## **23 - RECREATION RESIDENCE USE**

### **23.5 - RECREATION RESIDENCE SPECIAL USE PERMITS**

1. Objectives. The recreation residence permit is designed and administered to maintain a forest-related recreation experience. The laws, regulations, and policies governing the use and maintenance of recreation residences are those necessary to comply with federal, state, and county ordinances, building, and sanitation codes to safeguard the national forests' resources. Restrictions and special rules are designed to fit local conditions. The following are the Southwestern Region's (Region 3) objectives:

- a. Protect the forest environment, including soil, vegetation, water quality, wildlife, air quality, and historic resources.
- b. Prevent urbanization of recreation residence tracts. Ensure recreation residences and associated improvements harmonize with the landscape.
- c. Help assure safety of the general public and the permit holders.
- d. Maintain the national forest setting. Avoid the appearance of a subdivision.
- 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.

Direction on the maximum size of existing cabins, decks and outbuildings will be implemented when improvements are destroyed or substantially damaged and replacement requested.

2. Policy. Authorized officers shall use all applicable standards and guidelines to administer recreation residence permits and evaluate proposals for modifications of permitted improvements.

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3. Definitions. The following are Region 3's definitions for recreation residence administration:

Commercial Use. Any activity which brings revenue to anyone using the permitted property, except for incidental rental that is not to exceed fourteen days (see definition of commercial use in 36 CFR 251.51).

General Recreation Residence Use. Recreation residences are only for personal recreation use of a non-commercial nature by the holder, members of the holder's immediate family and guests.

Habitable Space. (From the International Building Code, Chapter 2; Section 202; Definitions) A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Maintenance. Maintenance is the act of keeping the facility in an ordinary, efficient operating condition. It includes preventative maintenance, normal repairs, and activities needed to preserve the improvement. On historic properties, some maintenance activities may require consultation with the authorized officer.

Permit Holder. Any applicant who has received a special use authorization (see FSM 2705). The holder of the permit must be able to demonstrate ownership of the authorized improvements. When the holder is a designated representative of a family trust or living trust, the holder must be able to demonstrate ownership of the authorized improvements in the name of the trust which they are representing.

Principal Residence. The principal residence can be a house, apartment, mobile home, or other reasonable domicile, either owned or rented, and must be open and available to the permit holder at all times.

4. Destruction and Abandonment. See FSM 2721.23a(13). Following destruction or substantial damage (greater than 50 percent) of a recreation residence by catastrophic events or natural causes, allow rebuilding if the lot can be occupied safely and the use remains consistent with the Forest Land and Resource Management Plan. Give the permit holder the following options:

- a. The permit holder may rebuild a recreation residence on the lot if the authorized officer determines the site can be safely occupied. Conceptual and construction plans must be approved by the Forest Service, and the applicable

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county or state agencies. The cabin must be completed within two years of authorization to rebuild. Do not allow separate structures such as guest houses and garages to be rebuilt. Do not allow new buildings larger than 1400 square feet.

b. The permit holder may elect to abandon the residence, in which case the permit will terminate after the Forest Service has received written notification. The permit holder is responsible for removal of all improvements and restoration of the site.

### **23.5a - Permit Administration**

1. Inspections and Monitoring. Special use permit holders are required to maintain their recreation residence to acceptable standards to meet all federal regulations, the express terms of the permit, and the requirements of state law and local ordinances. While standards for neatness, appearance, and the appropriate use of National Forest System lands are established by the authorized officer, acceptable health and construction standards are defined as those which meet state, county, or other local government rules and code.

Although the Forest Service does not enforce state and local health and construction laws, its authorized officers are responsible for determining compliance with the terms and conditions of the special use permit. When deficiencies are apparent, the authorized officer shall require permit holders to take appropriate actions. The authorized office may request the applicable county or state agency to perform an inspection.

2. Transfer Inspections. Conduct an inspection when notified of intended sale or change in ownership of the improvements. This inspection is to ensure compliance with the terms of the permit and review the condition of the improvements and lot before a new permit is issued. Do not issue a new term permit until all deficiencies are corrected.

3. Alternatives to County and State Inspections. Authorized officers have traditionally either asked counties or states to inspect for compliance with state and county codes, or required holders to have their residences inspected by the county or state. If the agencies are unable or unwilling to make those inspections, holders should be allowed to use qualified professionals, as long as the county and state standards are met.

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4. Operation and Maintenance Plan. The recreation residence permit requires an Operation and Maintenance Plan (O&M Plan) to be jointly prepared by the holder and the authorized officer. The O&M Plan is reviewed annually and updated as necessary. The holder may be required to submit proposals in writing for improvements and repairs identified in the O&M Plan before such projects are initiated.

### **23.5b – General Recreation Residence Use**

1. Residency. Do not allow holders to use their recreation residence as their principal residence. The recreation residence should be utilized at least 15 days per year by the permit holder, to ensure that the use granted by the permit is exercised.
2. Commercial Use. Enforce prohibition of commercial use of recreation residences as stated in national policy (see FSM 2347).
3. Rental Restrictions. When approved in advance by the authorized officer, the permitted improvements may be rented for recreational use. Rental for commercial use is prohibited. If authorized, renting shall be limited to no more than 14 days per year, and must be addressed in the O&M Plan.
4. Guest Buildings. Do not authorize construction of additional guest cabins or sleeping quarters. In cases where more than one dwelling currently occupies a single site, the use will be permitted to continue in accordance with the authorization. Do not allow reconstruction of guest cabins and sleeping quarters. Conversion of storage or other outbuildings to sleeping quarters or guest cabins is prohibited.
5. Animal Management. No animals (including horses), other than common household pets, shall be kept on the premises. Pets shall be under physical control when outdoors and shall not be left outside unattended. No permanent pet enclosures shall be allowed. Pets must not pose a health or safety threat to humans, native wildlife, or the forest habitat. Consistent with state law, discourage wildlife feeding including feeding stations, salt licks and bird feeders.
6. Vehicle Parking and Storage. All vehicles must be located within approved driveways and parking areas. Unregistered or inoperable vehicles are not allowed on lots. Recreation vehicles (RV) may be used to expand the capacity of a recreation residence only on a short-term basis not to exceed two weeks.

The recreation residence lot is not an appropriate storage area for motor homes, trailers, or similar items. Unless approved by the authorized officer, only temporary seasonal storage of recreation equipment is permissible and must be included in the

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O&M Plan. Boats, trailers, snowmobiles and off-highway vehicles must be removed seasonally, as stated in the O & M Plan.

7. Public Use. The special use permit does not authorize exclusive use of National Forest System lands to recreation residence permit holders. Where public use of the authorized area interferes with the holder's use of their recreation residence, work with the holder to mitigate the impacts of public use.

### **23.5c - Construction/Reconstruction Standards**

Emphasize maintaining the rustic appearance of each tract using natural materials.

1. Plans and Procedures. No construction or reconstruction may commence without the prior approval of the authorized officer. These activities are considered to be undertakings with potential adverse effects that may require compliance with the consultation procedures identified in Section 106 of the National Historic Preservation Act of 1966.

a. Maintenance. The dominant character of the tract must be the forest environment, not human improvements. The residences and lots should be cared for to retain the tract's visual and historic character. Minor maintenance involving repairs-in-kind do not need Forest Service approval if there are no effects to the resources and no structural changes. Examples of minor maintenance include replacing a few boards in a deck, a few shingles on a roof, or a broken windowpane. All other actions such as reconstruction, new construction, additions, and exterior modification require Forest Service approval.

b. Construction. The permit requires the holder to submit conceptual design and site plans for proposed development or changes. These plans should be detailed enough to allow preparation of an analysis, and should include roads, trees, rock outcrops, planned and existing improvement location, structure size, materials, and lot boundary as accurately as possible. Require that the holder solicit comments from effected neighbors for projects proposing construction of additional structures such as outhouses, sheds, or pump houses.

The authorized officer must review the proposal for environmental, visual, and historic concerns, and if there are no concerns, give written approval-in-concept. Before issuing written authorization to proceed, require that the permit holder submit construction plans to the county or state building department for approval, obtain the required permits, and submit copies of these documents to the authorized officer.

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New construction, alteration, addition, or substantial repair of existing improvements shall be authorized only when, in the opinion of the authorized officer, it does not exceed the acceptable size standards and meets visual, environmental, and historic property concerns.

c. Codes. All construction must adhere to local, state, and county codes.

d. Lot Line Locations. When improvements are proposed, the permit holder is responsible for locating the corners of the lot and confining all construction within the bounds of the permitted lot. If the original monumentation of the corners has been lost, the authorized officer shall approve of the re-monumentation prior to construction.

2. Structures. The desired condition is to have only one dwelling per lot (residence/sleeping cabin), as required in FSM 2721.23a. The following are general standards for structures:

a. Number of buildings. Allow only one recreation residence on each lot. Separate structures may be permitted for uses not logically attached to the main structure, such as an outhouse, pumphouse, or generator. The overall appearance of improvements should be inconspicuous and blend with natural land forms on the site.

Following destruction or substantial damage to a garage, rebuilding will not be authorized. Construction of new garages will not be authorized.

b. Size. Limit recreation residence floor space to a maximum of 1400 square feet. Authorized officers are not obligated to allow cabin owners to expand their existing cabins to 1400 square feet. Factors such as environmental, visual, and historic resources may cause the authorized officer to restrict building size of individual recreation residences to less than the maximum.

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 (excluding loft which is defined as an unpartitioned open space under a roof), and, where they already exist, authorized guest cabins and garages with living space.

c. Height. Limit a recreation residence on level ground to one story and a loft. Total height must conform to county ordinances and Forest Service visual objectives.

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d. Decks, Porches, and Patios. Decks, porches, and patios must be attached to the residence. Combined deck, porch, and patio size (including walkways) is limited to 60 percent of the primary structure square footage. Under no condition may they exceed 800 square feet. Their location must be approved by the authorized officer, and where applicable, by other local agencies. Decks on only one side of the residence are preferred, but wrap-around walkways may be considered. Waiver of these limitations may be made for reasonable accommodation under the Americans with Disabilities Act. If the area beneath a deck is used for storage, it must be fully enclosed with solid material or lattice. Porches may not be enclosed to provide additional living space.

e. Outbuildings. 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 60 square feet. Do not authorize construction or reconstruction of storage buildings (including former garages) that exceed 40 square feet. All separate structures must be constructed of materials and colors to blend with the cabin and other outbuildings.

Replacement or relocation of an outhouse must be approved by the authorized officer, and other state and local agencies as applicable.

f. Off-lot Improvements. Off-lot improvements such as docks, individual water systems, power lines, and driveways may be authorized. When off-lot improvements are individually owned by a recreation residence owner, they may be authorized by citing them in the recreation residence special use permit (on the face of the permit as authorized uses) and on a map showing their location in relation to the lot. When off-lot improvements are owned and operated collectively by several recreation residence owners, or an association of owners, they may be authorized under a separate permit, in the name of the owners and/or association. Assess and collect an applicable land use rental fee.

It is the responsibility of individual permit holders and permitted associations to maintain the quality of their water in accordance with state and local water quality standards. When water systems must be modified to meet those standards, the plans for new systems or modifications to existing systems must be approved in writing by the authorized officer. Do not permit individuals to drill wells or install a private water system if a state approved system is available for hookup. Permit holders are encouraged to coordinate with adjacent cabin owners to develop a system that supplies a number of homes. The Forest Service must check existing water rights and use prior to authorizing water diversion.

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3. Specific Construction Standards.

- a. Boat docks and moorings must be authorized by the authorized officer and by any other agencies responsible for the body of water.
- b. Do not authorize metal buildings, including storage sheds, pump houses and outhouses. Do not allow existing metal structures to be rebuilt if destroyed or substantially damaged.
- c. Do not authorize mobile homes. Existing mobile homes must be removed upon change of ownership of improvements.
- d. The exterior color of all improvements must be compatible with a natural setting. To achieve that objective, owners of recreation residences must obtain approval of the authorized officer prior to painting any exterior surface. Only those paint colors that are similar to, or match, a Forest Service approved color list will be approved for use.

Light and bright colors and highly reflective materials create a contrast and will usually not be approved.

- e. New utility lines should be installed underground where feasible.
- f. All signs must have a rustic appearance, and must be approved by the authorized officer prior to installation.
  - (1) All cabins must display the lot number so that it is easily visible from the driveway. Cabins may also have signs that indicate the holder's last name and a county assigned street address.
  - (2) If the sign on the cabin is not easily visible from the main road, a second sign may be posted at the driveway entrance. Signs shall not be nailed to trees. Painting on natural features such as rocks and trees is prohibited. Posting "Private Property" or "No Trespassing" signs is prohibited.
- g. Outdoor decorative-type lighting is prohibited. Security lights if needed may be authorized. Yard lights must be attached to posts with all associated wiring underground or be attached to structures.
- h. Generally, do not authorize fences or walls. Exceptions may be made when a fence is appropriate to differentiate general public use access routes from cabin use areas, or to meet safety or other resource needs. Unauthorized fences and walls should be phased out or removed upon change of ownership of the

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recreation residence.

i. All proposals for a gate require approval from the authorized officer. Require holder or association to have a Forest Service lock in addition to the locks of any other users of the gate and to submit a seasonal operation plan for the gate for Forest Service approval.

j. Propane tanks shall be located and screened to be as inconspicuous as possible.

k. Inconspicuous satellite dishes and antennas may be approved for noncommercial personal use only. Satellite dishes and antennas that are no longer used must be removed.

l. Do not authorize new permanent outdoor fireplaces, fire pits, or brick/stone barbecues.

m. Exterior spas and hot tubs are not appropriate for recreation residences. Do not allow existing exterior spas and hot tubs to be replaced.

n. Do not authorize swimming pools, either permanent or temporary.

o. Do not allow permanent installation of outdoor recreation equipment such as basketball hoops, and swing sets. Temporary use of such equipment may be authorized on request.

p. Mailboxes must be approved in writing by the authorized officer.

q. Installation of solar panels may be approved if they blend with the forest setting and do not require routine removal of tree cover.

4. Building Style and Design.

a. Building Materials. Any changes to the exterior of a cabin shall retain as much of the original building material as possible. The use of consistent type of materials throughout a structure is preferred. Missing elements should be replaced in-kind where possible; if not possible, they should be replaced with similar materials. Do not allow the use of bright colored building materials. Natural looking material should be used and may include rocks, logs, rough sawn lumber, or wood panels.

b. Windows and Doors. Window and door casings, shutters, and other outside trim should harmonize with the main structure and the environment, and should

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not present strong contrast. Trim colors shall be chosen from the approved color list.

c. Chimneys and Flues. Every effort shall be made to retain the stone and masonry work of existing chimneys. Metal flues must be nonreflective.

d. Roofs. Any changes to roofs must be designed to withstand the maximum snow loads of the area. Materials, style, and color must be approved, and a county permit must be obtained. The following roof coverings are prohibited for new installation: painted metal (does not include color-impregnated metal), and unpainted metal. Skylights may be approved.

### **23.5d - Maintenance Standards**

Apply the following maintenance standards:

1. Road, Trail, and Bridge Maintenance. Authorize those roads and vehicular bridges serving recreation residences that are not maintained by county, state, or other agency to a homeowner improvement association or individual holder. Require the permit holder to maintain these roads and bridges to Forest Service standards, described in the road maintenance agreement.

a. Authorize snow removal only after a careful review and evaluation of each case on its individual merits, including consistency with the Forest Plan, travel management plan, environmental needs, safety, user conflicts, and public impacts. If a plowing permit is issued, issue to the permit holder who would be responsible for the plowing to meet the requirements of the permit.

b. Limit construction of new driveways to one single-lane width with associated parking for two cars. Do not permit paving or graveling of driveways, except in those cases where erosion is occurring and this is the only means of control. If approved, driveways and walks should be of native materials, or gravel in natural dark colors and textures.

c. Authorize necessary foot bridges and other non-vehicle crossings that serve only recreation residences to associations or individual cabin owners. Bridges that are unstable or in disrepair must be repaired, replaced, or removed. Consultation with hydrologists, biologists, and/or engineers may be necessary. Bridges must be designed and constructed to meet county and state codes.

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d. Allow culverts to be installed in roads or trails for vehicular and foot traffic. Permit holders must regularly repair and clean out culverts on roads and trails which solely access tracts or lots to prevent erosion problems, and are responsible to restore the site as needed. Carefully evaluate requests for new culverts, considering the amount of fill, water drainage patterns, and other resource problems that could result from the installation.

2. General Lot Maintenance.

a. Do not allow permanent-type attachments to be nailed or bolted to or in trees. Such attachments include, but are not limited to: yard lights, antennas, fences, tree houses, benches, signs, clotheslines, swings, and wires. Clotheslines and dog run lines must be taken down when the cabin is not occupied.

b. Authorize landscaping, planting, or vegetation only to restore or maintain natural conditions or historic properties. Overall appearance should conform with the natural forest character of the area. Phase out or remove upon change of ownership of the recreation residence: window boxes, flower beds, lawns, and decorations such as bird baths and plastic flowers. Invasive plants such as ivy will be removed as soon as possible. Do not approve the use of whitewashed rocks or trees and other types of decorations foreign to the natural environment for use on the lot.

Removal of native vegetation must be approved in advance. Do not approve removal simply to improve views. Where erosion or vegetation loss has occurred, recommend landscape rehabilitation with approved local, native plant species.

c. Lots must be clean, neat, and free of litter and debris. Firewood must be neatly stacked away from trees and buildings, and not exceed an amount that will be used within two years.

Garbage must be neatly stored in a container on the lot until it can be removed to an authorized dump site. Do not allow garbage to accumulate on a lot. Where bears are a problem, garbage stored outside of a recreation residence should be in a bear proof container.

d. Sheet plastics and tarps. Tarps may be used as temporary covering for protection from the elements. Colors should blend with the natural environment.

3. Hazard Tree Management.

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a. Assessment. Hold permittees responsible for identification and removal of trees that are hazardous to their improvements, whether or not the trees are located on their lot. The Forest Service may identify hazard trees during inspections and authorize permit holders to remove them.

b. Disposition. Do not allow cutting of trees without prior written authorization from the authorized officer. Hazard trees within the boundaries of the recreation residence lot may be authorized to be cut and used free of charge if (1) the volume is less than two cords and (2) the material is to be used on the lot. Forest products or timber removed from the lot requires a personal or commercial permit. Do not allow holders to sell the tree for firewood unless they have purchased it.

4. Fire Protection.

There should be no tree limbs within 10 feet of chimneys and/or stovepipes. Firewood should be stacked neatly in one area that is located away from the recreation residence, propane tanks, storage sheds, and any other related improvements and/or structures. Chimneys and stove pipes must be covered by screen mesh. Roofs and gutters need to be free of leaves and needles. Lots should be free of accumulated woody debris, leaves and needles.