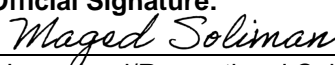
	Land Use Services Building and Safety Division Information Bulletin	Number: IB-0004
		Code References: 2022 CBC 2022 CRC
Building Official Signature:  Maged Soliman, PE, CBO		Original Effective Date: August 16, 2019
Subject: Homestead/Recreational Cabins		Updated: February 7, 2024

1.0 PURPOSE

The purpose of this Information Bulletin is to clarify the requirements related to work on homestead/recreational cabins.

2.0 HISTORY

Original Effective Date: August 16, 2019; Updated February 7, 2024.

3.0 BACKGROUND

Beginning with the Homestead Act of 1862 and stretching into the early 20th century, Congress enacted a series of land-grant statutes aimed at settling the American frontier. One of these was the Small Tract Act of 1938 (STA), 43 U.S.C.A. §682a.¹ The STA, originally passed in 1938, authorized the Secretary of the Interior to sell or lease five acre tracts or less of public lands, "which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site." (STA 52 Stat. 609 (1938).) When the STA was amended in 1954, the permissible purpose for which the Secretary could sell the land were expanded to include "residence, recreation, business, or community site purposes." (STA 68 Stat. 239.) The STA was repealed in 1976 when Congress passed the Federal Land Policy and Management Act.

The STA made it possible for an individual to obtain ownership of public land, typically in the desert region of the County, at a minimal cost as long as the land was improved in accordance with requirements contained in a lease or the property's classification order. To qualify as a residential classification, the land generally must have been determined to be suitable for seasonal or year-round use as a home for a family. A recreation site, on the other hand, included land suitable for a house or cabin for weekend or vacation use. Depending on the terms of the lease or property classification order, structural improvements for residential uses typically required compliance with health, sanitation, and construction requirements of local ordinance *at the time*.

Structural improvements for non-residential classifications were typically less stringent and thus not suitable for year-round use. The County Assessor's Office classifies these structures as a "Rec Cabin". Permitted Rec Cabins are considered legal non-conforming structures and use if they are the solitary structure on a parcel (i.e., Rec. Cabins are allowed to remain on a parcel but are not considered a primary use, which is required for all parcels).

¹This IB focuses primarily on Homesteads/Recreational Cabins established pursuant to the STA. Each of the various land-grant statutes passed by Congress may defer regarding legally established land uses and residence requirements.



4.0 OCCUPANCY OF EXISTING REC CABIN

In order to occupy a Rec Cabin as a primary dwelling unit, the structure must meet the requirements for a dwelling unit as defined in the 2022 California Residential Code, which states the following: *A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.*

A Field Investigation is highly recommended and there are currently two options to choose from.

Option 1. A Field Investigation application may be applied for. This field report shall verify the existing condition of the Recreation Cabin. Such as the wood framing members of the exterior walls, the roof structure, etc.

Option 2. A Field Investigation may be conducted by a State of California licensed engineer. The engineer shall provide a report describing the existing conditions, such as foundation, framing and roof structure. Pictures will be required to be submitted accompanying the report.

You may choose not to gain the mentioned Field Investigation and immediately move forward with the submittal of structural plans.

Structural plans must be submitted for review and approval in order to ensure compliance. All elements of the structure shall meet the code requirements defined in CBC Section 202 for a Dwelling Unit, when converting a Rec Cabin to a Dwelling Unit. Plans shall be prepared and submitted for review for all additions and alterations to existing Rec Cabins, submittal package shall include the following information:

- A. Will Serve Water Letter
- B. County Tax Assessor's information
- C. Site Plan
- D. Floor Plan
- E. Energy Calculations
- F. Foundation Plan (Alterations not required)
- G. Framing Plan (Alterations not required)
- H. Roof Plan
- I. 2 – Elevations
- J. 1 – Section (Alterations not required)

Minimum requirements shall include:

1. Approved water source (Development Code section 84.21.03 (j)(3));
2. Minimum water pressure shall be 15 psi
3. Approved wastewater system (Development Code section 84.21.03 (j)(4));
4. Additions shall comply with the California Residential Code (CRC)
5. Road dedication/Patent Reservation and improvements (if applicable).
Check with Land Development Division; and
6. School fees. (if applicable)



The requirements of occupancy above may not apply if an individual can establish a Rec Cabin or other homestead was issued a residential classification by the Secretary of the Interior and there has been no discontinued use or termination of the structure for residential purposes since acquiring ownership from the federal government. Said structures should be treated as other legal non-conforming dwellings.

4.1 LIMITED USE OF EXISTING REC CABIN

Per San Bernardino County Development Code Section 84.25.070(a)(2), a Rec Cabin can be occupied for a maximum of fourteen (14) days in a thirty-day period for recreational camping by the property owner in the RC (Resource Conservation), AG (Agriculture) or RL-5 (Rural Living five-acre minimum parcel size) or larger land use zoning districts.

5.0 PERMITS REQUIRED FOR ALTERATIONS OR REPAIRS TO EXISTING REC CABIN

- An owner can repair/replace elements (e.g., reroof, siding, windows, etc.) of a Rec Cabin in-kind in compliance with the County's legal non-conforming standards.
- New additions or alterations to a Rec Cabin will be allowed.
- Rooftop solar is generally not allowed on Rec Cabins as a result of adverse impacts on the public health and safety due to the typical size and structural integrity of said structures. Rooftop solar may be installed provided the Rec Cabin roof framing is structurally sound and in good condition. Ground mounted solar is acceptable and preferred.
- Previous permitted additions to a Rec Cabin will be evaluated on a case-by-case basis. Previous permitted addition may be applied to convert the structure to a Dwelling Unit.
- Removal of more than 50% of existing bearing walls shall be deemed a new single-family residence and NFPA 13D sprinkler system shall be required. Furthermore, hauled water shall not be permitted per SB 1263, California Health and Safety Code Section §116527 and California Water Code Section §106.4.

6.0 UTILITY RELEASE

- Utilities for a Rec Cabin will be evaluated on a case-by-case basis. Prior to any new utilities being released, a Field Investigation conducted by Building and Safety is required. If a Rec Cabin previously had permitted electric and is requesting power from SCE, a meter reset permit is required.
- If power has previously been permitted, like for like replacement is acceptable. Panel upgrade (e.g., 100 to 200 amp), will be evaluated on a case-by-case basis.
- A septic system is not allowed unless it is being converted to a Dwelling Unit.



7.0 OTHER DETACHED STRUCTURES

- Non-habitable accessory structures will be evaluated on a case-by-case basis.

8.0 APPLICABLE BUILDING CODE

When work is conducted in the process of converting a Rec Cabin to a dwelling, per Senate Bill 1226, the Building Code adopted at the time the Rec Cabin was originally built will be applicable. Building and Safety will research the records available to determine the original construction date.

For new additions (added square footage) or alterations to a Rec Cabin, the current Building or Residential Code shall apply.