

	Land Use Services Building and Safety Division Information Bulletin	Number: IB-0004
		Code References: 2019 CBC 2019 CRC
Building Official Signature: 	Jack Leonard, PE, CBO	Original Effective Date: August 16, 2019
Subject: Homestead/Recreational Cabins		Updated: July 16, 2020

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: July 16, 2020

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 The STA was repealed in 1976 when Congress passed the Federal Land Policy and Management Act.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*, a permanent foundation with minimum of 400 square feet of floor space, and installation of disposal and sanitary facilities.

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". Rec Cabins are considered legal non-conforming structures and uses if they are the solitary structure on a parcel (i.e., they are allowed to remain on a parcel but are not considered a primary use, which is required for all parcels).

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 2019 California Residential Code, which states the following: *A single unit*

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.



providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Requirements for occupancy would also include:

- An approved connection to a permanent power and water source, as well as an approved wastewater system.
- An approved Field Investigation conducted by Building and Safety.

5.0 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 four 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.

6.0 ALTERATION 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. However, no new additions 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. Ground mounted solar is acceptable and preferred.

7.0 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 electric and is requesting power from SCE, a meter reset 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.

8.0 OTHER DETACHED STRUCTURES

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

9.0 CONVERSION OF REC CABIN TO DWELLING UNIT

If the owner of a Rec Cabin believes the structure to be a dwelling unit, the owner can request permit research of the site. Building and Safety will evaluate properties on a case by case basis to determine the current use and permits issued for the site. If the structure meets the minimum dwelling unit requirements listed above and passes a Field Investigation conducted by Building and Safety, the building records will be updated to reflect the structure as a dwelling.

If the owner of a Rec Cabin would like to convert their Rec Cabin to a dwelling unit, and they currently do not meet all the dwelling unit requirements listed above, the owner can request permit research and a Field



Investigation to assess the site. Building and Safety will evaluate properties on a case by case basis to determine the improvements and permits necessary to convert the Rec Cabin to a dwelling unit.

9.1 CONVERSION PROCESS

A Field Investigation will be required for a conversion of a Rec Cabin to a dwelling unit (single family residence). To request a Field Investigation, an applicant will need to apply for a Residential Alteration Permit through the County's EZOP website, listing the description as "Field Investigation for Conversion of Rec Cabin to Dwelling Unit" and pay the investigation fee once invoiced by staff. A Regional Building Inspector Supervisor will coordinate the site visit with the applicant. The investigation will entail photo documentation and an evaluation of the structure's condition. This information will be compared to the permit history for the property. Once the research is complete, the applicant will receive a "Field Investigation Report" outlining what is required for the conversion to occur. If improvements to the structure are required, a separate Single Family Residence (SFR) Permit will be required to conduct the work. Once the work is complete and approved by Building and Safety, the building records will be updated to reflect "Residence".

9.2 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 Code shall apply.