1.0 PURPOSE

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

2.0 HISTORY

First Draft, February 5, 2019; Second Draft, August 16, 2019

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. 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 The STA was repealed in 1976 when Congress passed the Federal Land Policy and Management Act.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).

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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 comply with current Title 24 California Code of Regulations, including but not limited to the Building or Residential Codes, California Green and Energy Codes, as well as the County Development Code.

Structural plans must be submitted for review and approval in order to ensure compliance. All elements of the structure should meet the code requirements as if constructing a new dwelling. A single family residence (SFR) record shall be created to process the application and reclassify the structure as a SFR.

Minimum requirements may include:

1. Approved water source (Dev Code section 84.21.030(j)(3));
2. Approved wastewater system (Dev Code section 84.21.030(j)(4));
3. Road dedication/Patent Reservation and improvements (if applicable). Check with Land Development Division; and
4. School fees.

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 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.

5.0 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 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. Ground mounted solar is acceptable and preferred.
- Previous additions to a Rec Cabin do not convert the structure to a SFR.
6.0 UTILITY RELEASE

- No new utilities shall be released to a Rec Cabin.
- If a Rec Cabin previously had electric and is requesting power from SCE, a meter reset is required (this does not recognize it as an SFR).
- If power has previously been permitted, like for like replacement is acceptable. Panel upgrade (e.g., 100 to 200 amp), not allowed.
- A well and/or septic system is not allowed.

7.0 OTHER DETACHED STRUCTURES

- No other detached structures are allowed, regardless of the square footage, until a primary use is established for the property.