

National Park Service, Interior

§ 30.1

(d) After review of the materials submitted by the applicant and other pertinent information, and completion of the site inspection, the Superintendent shall determine whether the Secretary's authority to acquire by condemnation is suspended, and if so, shall furnish to any eligible party in interest a Certificate of Suspension of Authority for Acquisition by Condemnation.

(e) A Certificate of Suspension of Authority for Acquisition by Condemnation may be revoked at any time that the Secretary's authority to condemn is reinstated or that it becomes evident to the Superintendent that the Certificate was initially issued by mistake or on misinformation.

§ 28.24 Information collection.

The collection of information contained in §§ 28.13, and 28.23 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0050. The information will be used to determine if private property conforms to the federal regulations. Response is required to obtain a benefit in accordance with 16 U.S.C. Section 459e *et seq.*

PART 30—WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA: ZONING STANDARDS FOR WHISKEYTOWN UNIT

Sec.

30.1 Introduction.

30.2 General provisions.

30.3 Recreation District I.

30.4 Recreation District II.

30.5 Variances, exceptions, and use permits.

AUTHORITY: Subsection 2(e), 79 Stat. 1295, 1297; sec. 3, 39 Stat. 535; 16 U.S.C. 460q-1(e); 16 U.S.C. 3.

SOURCE: 32 FR 13189, Sept. 16, 1967, unless otherwise noted.

§ 30.1 Introduction.

(a) Administration of the Whiskeytown Unit is required to be coordinated with the other purposes of the Central Valley project and with the purposes of the recreation area as a whole so as to provide for: (1) Public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management,

utilization and disposal of renewable natural resources as in the judgment of the Secretary of the Interior will promote or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) The Secretary may not acquire without consent of the owner any privately owned "improved property" or interests therein within the boundaries of the unit, so long as the appropriate local zoning agency (Shasta County), shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary. This suspension of the Secretary's authority to acquire "improved property" without the owner's consent would automatically cease: (1) If the property is made the subject to a variance or exception to any applicable zoning ordinance that does not conform to the applicable standards contained in the regulations in this part; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) "Improved property" as used in this section, means any building or group of related buildings, the actual construction of which was begun before February 7, 1963, together with not more than 3 acres of land in the same ownership on which the building or group of buildings is situated, but the Secretary may exclude from such "improved property" any shore or waters, together with so much of the land adjoining such shore or waters, as he deems necessary for public access thereto.

(d) The regulations in this part specify the standards with which local zoning ordinances for the Whiskeytown Unit must conform if the "improved property" within the boundaries of that unit is to be exempt from acquisition by condemnation. The objectives of the regulations in this part are to: (1) Prohibit new commercial or industrial uses other than those which the Secretary considers to be consistent with the purposes of the act establishing the national recreation area; (2) promote the protection and development of properties in keeping with the purposes

§ 30.2

36 CFR Ch. I (7-1-04 Edition)

of that act by means of use, acreage, frontage, setback, density, height, or other requirements; and (3) provide that the Secretary receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance approved by him.

(e) Following promulgation of the regulations in this part in final form, the Secretary is required to approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in this part in effect at the time of adoption of the ordinance or amendment. Within 60 days following submission, the county will be notified of the Secretary's approval or disapproval of the zoning ordinances or amendments thereto. If more than 60 days is required the county will be notified of the expected delay and of the additional time deemed necessary to reach a decision. The Secretary's approval shall remain effective so long as the zoning ordinances or amendments thereto remain in effect as approved.

(f) Nothing contained in the regulations in this part or in the zoning ordinances or amendments adopted for the Whiskeytown Unit to implement the regulations in this part shall preclude the Secretary from exercising his power of condemnation at any time with respect to property other than "improved property" as defined herein. Nor shall the regulations in this part preclude the Secretary from otherwise fulfilling the responsibilities vested in him by the act authorizing establishment of the Whiskeytown-Shasta-Trinity National Recreation Area, by the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), as amended and supplemented, and such other statutory authorities relating to the National Park System.

§ 30.2 General provisions.

(a) Following issuance of the regulations in this part, Shasta County shall submit to the Secretary for his approval, all zoning ordinances and amendments thereto duly adopted by the county which are in force and applicable to property within the Whiskeytown Unit and which demonstrate conformity with the standards

contained in the regulations in this part. This shall include any ordinances and amendments in effect prior to the issuance of the regulations in this part which demonstrate such conformity and any that have been adopted specifically to implement the regulations in this part.

(b) Any new uses, and the location, design and scope of any new developments, permitted under the regulations in this part shall be harmonized with adjacent uses, developments and the natural features and shall be consistent with the current Master Plan proposed or adopted by the National Park Service for the Whiskeytown Unit, so as to minimize disruption of the natural scene and to further the public recreational purposes of the aforesaid establishment act for this unit.

(c) Zoning ordinances for the districts hereinafter prescribed shall conform to the general and specific standards contained in the regulations in this part to assure that use and development of the lands within the Whiskeytown Unit are consistent with the objectives of the Congress to protect and preserve the values of the lands in such unit for public use and enjoyment, as set out in the Act of November 8, 1965 (79 Stat. 1295). Except as otherwise provided herein, no additional or increased commercial or industrial uses are permitted within these districts. Any existing nonconforming commercial or industrial uses shall be discontinued within 10 years from the date of this section: *Provided, however,* That with the approval of the Secretary such 10-year period may be extended by the county for an additional period of time sufficient to allow the owner a reasonable opportunity to amortize investments made in the property before November 8, 1965.

§ 30.3 Recreation District I.

(a) Definition. This district shall comprise all those portions of the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area delineated as "Recreation District I" on a map bearing the identification NRA-WHI1000, and dated August 1966.