

# Chapter 29

## HISTORIC RESOURCE PROTECTION

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29.0 Purpose: This chapter provides for the recognition, protection, and preservation of the Region's significant historical, archaeological, and paleontological resources.

29.1 Applicability: Projects and activities affecting sites, objects, structures, or districts, which have been designated by TRPA or are pending for designation, as historic resources, are subject to the provisions of this chapter. Unless the context of the sentence indicates otherwise, designated historic resources shall include resources pending for designation pursuant to Section 29.4.

29.2 Resource Protection: Sites, objects, structures, or other resources, designated as historic resources or for which designation is pending, shall not be demolished, disturbed, removed, or significantly altered, unless TRPA has approved a resource protection plan to protect the historic.

29.2.A Resource Protection Plan: Resource protection plans shall be prepared by a qualified professional and may provide for surface or subsurface recovery of data and artifacts and recordation of structural and other data.

29.2.B Protection During Construction: Grading, operation of equipment, or other soil disturbance is prohibited in areas where a designated historic resource is present or could be damaged, except in accordance with a TRPA-approved resource protection plan. The resource protection plan shall indicate all such known areas on the site and shall indicate the measures that shall be taken to protect them. See also Section 64.8.

29.3 Discovery Of Eligible Resources: Upon discovery of a site, object, district, structure or other resource, potentially meeting the criteria of Section 29.5, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO). If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 29.5 and 29.4.

- 29.4 Designated Historic Resources: Designated historic resources shall be shown on the TRPA Historic Resource Map, except that locations of resources found by TRPA to be especially sensitive may be kept confidential in order to protect them from trespassers or vandalism. Such locations shall be recorded in confidential reports or maps of the TRPA. Resources shall be designated as historic according to the following procedure:
- 29.4.A Nominations For Designations: Nominations for designations may be made by TRPA, a state historic preservation officer, the property owner, or land management agency. The nomination shall be in the form of a report containing information necessary to evaluate the significance of the resource pursuant to Section 29.5. Nominations shall be reviewed by the applicable state's historic preservation office (SHPO). From the time a nomination report is filed with TRPA until a decision is made pursuant to Subsection 29.4.B, the designation shall be considered pending. Notice of pending designations shall be given by publication and to affected property owners, in accordance with the Rules of Procedure.
- 29.4.B Review and Approval: TRPA shall review the nomination reports along with the comments of the SHPO, the property owner, and other interested parties, and determine if the resource, pursuant to Section 29.5, is sufficiently significant to be designated as a historic resource.
- 29.4.C. Withdrawal of Designation: The designation of a historic resource may be withdrawn by TRPA based on a request for withdrawal by TRPA, the SHPO, property owner, or land management agency, if the resource is determined not to be significant to be designated as a historic resource. TRPA shall consider the request in the same manner as for approval in Subsection 29.4.B.
- 29.5 Eligibility As A Historic Resource: Sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archeological, paleontological, or architectural significance locally, regionally, state-wide or nationally, shall meet at least one of the following criteria:
- 29.5.A Resources Associated With Historically Significant Events And Sites: Resources shall exemplify the broad cultural, political, economic, social, civic, or military history of the Region, the states, or the nation, or be associated with events that have made a significant contribution to the broad patterns of history, including regional history. Such resources shall meet one or more of the following criteria:
- (1) Association with an important community function in the past;
  - (2) Association with a memorable happening in the past; or
  - (3) Contain outstanding qualities reminiscent of an early stage of development in the Region.

- 29.5.B Resources Associated With Significant Persons: Resources that are associated with the lives of persons significant in history, including regional history, such as:
- (1) Buildings or structures associated with a locally, regionally, or nationally known person;
  - (2) Notable examples, or best surviving works, of a pioneer architect, designer or master builder; or
  - (3) Structures associated with the life or work of significant persons.
- 29.5.C Resources Embodying Distinctive Characteristics: Resources that embody the distinctive characteristics of a type, period, or method of construction, that possess high artistic values, or that represent a significant and distinguishable entity but whose components may lack individual distinction, are eligible. Works of a master builder, designer or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the Region, the states, or the nation.
- 29.5.D State And Federal Guidelines: Archeological or paleontological resources protected, or eligible for protection, under state or federal guidelines, are eligible.
- 29.5.E Prehistoric Sites: Sites where prehistoric archaeological or paleontological resources, which may contribute to the basic understanding of early cultural or biological development in the Region are eligible.
- 29.6 Projects Relating To Historic Resources: As part of the application for a project affecting designated historic resources, TRPA may require a report documenting compliance with the standards to this chapter. The report may be submitted to the applicable state's historic preservation office for review. Projects and activities affecting designated resources shall comply with the following standards:
- 29.6.A Additions: Additions to historic structures, adjacent to a historic structure, within an historic district, or on an historic site, shall be in compliance with Subsection 29.6.D. Additions shall be eligible for the exceptions in Section 29.7, if such construction is required to attain the objectives of that section. Provisions from the Design Review Guidelines may be required as conditions of approval.
- 29.6.B Repairs, Maintenance And Reconstruction: All repairs, maintenance, reconstruction, or other disturbance of designated historic resources shall comply with, and be maintained in accordance with, Subsection 29.6.D. Provisions from the Design Review Guidelines may be required as conditions of approval.
- 29.6.C Demolition: Historic resources shall not be demolished, disturbed, or removed, unless TRPA finds that:

- (1) The action will not be detrimental to the historic significance of the resource;
- (2) The action is pursuant to a recovery plan approved by the applicable state historic preservation officer; or
- (3) It is the only feasible alternative to protect the health and safety of the public.

29.6.D Construction, Reconstruction, Repair, And Maintenance Standards: Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

29.7 Exceptions For Historical Structures And Districts: To encourage the protection, maintenance, or rebuilding of sites, structures, or districts, designated a historic resource, TRPA may grant exceptions to certain provisions of this Code to allow reconstruction or repairs.

29.7.A Findings: Exceptions may be granted if TRPA finds that:

- (1) The site, structure, or district is designated as a historic resource; and
- (2) The reconstruction, modification, or repair is in the public interest.

29.7.B Conditions: Exceptions granted shall be subject to the following conditions:

- (1) Modifications shall not increase nonconforming land coverage, exceed the height of the existing structure, or result in an expanded use subject to an allocation under the terms of the Goals and Policies, or Code, unless an allocation has been obtained pursuant to Chapter 33 or transferred pursuant to Chapter 34.
- (2) Modifications to a structure shall conform to the standards in Subsection 29.6.D.
- (3) Modifications that will endanger or significantly effect the historical, cultural, or architectural significance shall not be made.

29.7.C Exceptions: Exceptions from the following Code provisions may be granted:

- (1) Chapter 24, Driveway and Parking Standards;
- (2) Section 27.1, Paved Roads;
- (3) Section 30.5, Site Plan Standards;
- (4) Section 30.6, Standards For Building Design;

- (5) Section 30.9, Standards For Water Conservation;
- (6) Section 30.10, Standards For Combustion Appliances; or
- (7) Chapters 50 through 56, inclusive, Shorezone