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STAFF REPORT

Date: March 5, 2025

To: TRPA Local Government Committee

From: TRPA Staff

Subject: Regional Scenic and Historic and Cultural Resource Protection Programs

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Summary:

Governing Board members and TRPA staff participated in a strategic planning retreat in the Spring of 2024. The results of the retreat included work program priorities that align with the implementation of the Lake Tahoe Regional Plan and the agency's mission as directed by the [Bi-State Compact](#). These priorities include initiatives such as Cultivating Communities, which is geared towards accelerating workforce housing in Tahoe.

In addition to the initiatives, the Governing Board also requested information on three planning topics: plastic bag bans, green building codes, and historic and cultural resource protection and "aesthetics" (or scenic resource protection).

At the March Local Government Committee meeting, staff will present an overview of current local and regional programs relating to scenic, historic, and cultural resource protection. This will be the first presentation in a series regarding the three planning topics listed above. Staff will bring the other two topics, plastic bag bans and green building codes, before the Local Government Committee in April and June of 2025.

The presentation series is intended to be informational in nature. Staff will also provide opportunities for process improvements identified in conversations with local partners. (See the "Recommendations" section at the end of this memorandum.) Staff welcomes discussion from the Local Government Committee regarding each of the planning topics and will use the meetings to hear feedback on possible alternatives for process improvements.

In preparation for this agenda item, staff interviewed the following local jurisdictional partners to learn what is currently working well, challenges, and best practices within the scenic and historic resource protection programs:

Carson City (Jan. 15, 2025): Hope Sullivan  
City of South Lake Tahoe (Jan. 17, 2025): John Hitchcock  
Douglas County (Jan. 10, 2025): Tom Dallaire, Kate Moroles-O'Neil, and Andrea Pawling  
El Dorado County (Jan. 23, 2025): Brendan Ferry and Melanie Shasha  
Placer County (Jan. 13, 2025): Stacy Wydra and Heather Beckman  
Washoe County (Jan. 29, 2025): Trevor Lloyd

Description/Background:

The scenic natural landscape of the Tahoe Region is one of its most impressive and memorable qualities. Most of the region's development is on private lands located around the perimeter of the lake and along major roadways. The region's scenic quality can be degraded where development dominates, overwhelms, or is incompatible with the region's natural features; blocks important views; removes vegetation and natural features; or alters the topography.

The Bi-State Compact provides directives for the “preservation, development, utilization, and management” of scenic and other natural resources within the basin, including “historical facilities.” Historic and cultural sites, buildings, and structures are important resources in the built environment that tell a story of our collective past and interaction with the natural environment.

To address the Bi-State Compact mandate, TRPA established the [scenic protection program](#)<sup>1</sup> (i.e. scenic quality improvement program) and set of policies and standards that aim to reduce the visual impacts of the built environment and not degrade the natural landscape. Property owners are required to blend human-made structures with the natural environment through the use of colors, materials, reflectivity, articulation, landscaping, and building setbacks. Scenic protection is regulated through the TRPA Code of Ordinances, [Design Review Guidelines](#), and area plan design and development standards.

The region has 10 adopted [Scenic Resource](#) standards. According to the Draft [2023 Threshold Evaluation](#), released in February 2025, scenic threshold standard attainment, albeit slow, is steady and improving. And, the overall appearance of the natural landscape has improved. Scenic standards are in attainment (i.e. meeting desired targets) and no resources declined in scenic quality over the past three threshold evaluations. The increasing scores suggest that existing capital improvement projects, ordinances, and building design standards have improved scenic conditions. Further, feedback received from agency partners and permitting consultants as part of the Permitting Improvement Project in 2022 found that applicants generally thought the scenic protection program was working well and offered a predictable system for project proponents to comply with scenic regulations.

Although there has not been a decline in scenic attainment, it is also recognized that the scenic scores in some areas have not increased according to the past few threshold evaluations and there are challenges with continued scenic attainment, which will be discussed in the next section. Partners generally agreed that these concerns could be addressed through existing work programs of the agency and regional partners including continued coordination and training between TRPA and local partners, area plan implementation, corridor plans, and other initiatives.

The historic resource protection program, on the other hand, is ripe for permitting process improvements. The current TRPA regulations and practices for the identification and protection of locally significant historic resources are largely duplicative with local processes and have resulted in a disconnect with the preservation planning for these resources by the communities in which they are significant. There may still be a place for TRPA to remain engaged to ensure the protection of cultural or regionally significant landmarks. There are a number of scenic standards related to the built environment; however, the agency currently does not have any threshold standards or performance

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<sup>1</sup> See also the [TRPA Scenic Resource Management Plan](#) for a detailed overview of scenic goals, policies, and regulations.

measures specifically related to historic or cultural resources. This is the only element within the Bi-State Compact and Regional Plan that is not linked to a threshold.

The following sections of this staff report provide an overview of current policies and practices regarding the protection of scenic and historic resources, as well as staff recommendations for process improvements based on the conversations with local partners. A more detailed overview of TRPA's scenic protection program can be found on the [TRPA's website](#) and within the [TRPA Scenic Resource Management Plan](#). Attachment A provides a more detailed summary of TRPA's historic and cultural resource protection program.

### ***Scenic Protection Program***

The program serves to protect what is arguably the region's most important natural feature, the scenic quality. Regional design and development standards are included in the TRPA Code of Ordinances and [Design Review Guidelines](#). Additional standards, specifically developed for a particular area or community are included in local area plans. The standards are sensitive to the context in which they are applied. In more natural areas, design standards and guidelines focus on minimizing the visibility of development to reduce distractions from the natural scenery. In more developed areas, where it's recognized that human-made development is the "dominant visual feature", design standards and guidelines seek to achieve visual interest and be consistent with the desired character of the individual community in which they are located, as well as promote design that blends with the natural environment.

Specific design and development standards exist for any property visible from a scenic resource area. These areas include the Lake Tahoe shoreline, major roadway corridors, public recreation areas, and multi-use trails.<sup>2</sup> Through Memoranda of Understanding (MOUs) with local jurisdiction partners, TRPA delegates review of TRPA regulations to the local jurisdictions for certain projects. If these projects are within scenic roadway corridors, it is incumbent upon the local jurisdiction to ensure that viewsheds and view corridors along the scenic roadway corridors are maintained in roadways in attainment and incrementally enhanced in roadways not in attainment. The most stringent design and development standards exist for properties visible from the waters of Lake Tahoe. These projects are required to comply with a scenic scoring system and mitigate impacts as outlined in the TRPA Code of Ordinances.

Attainment status measures the degree to which major roadway corridors (or travel routes), the lake's shoreline, and natural landmarks meet Regional Plan scenic quality goals. Roadway travel routes are separated into 54 separate units and are assessed based on which one of three categories that describe the dominant character of the travel route applies to that unit: natural, transitional, and urban. The shoreline is separated into 33 individual units, each representing a varying length of the shoreline that exhibits similar visual character when viewed from the lake. Each roadway and shoreline unit are assessed using two scores – one for the quality of the travel experience and the other for the quality of specific scenic resources viewed from within that unit.

The TRPA threshold standards call for an increase in score for any area not in attainment. For any unit already in attainment, the standard is non-degradation, where the scores must be maintained not necessarily increased.

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<sup>2</sup> TRPA maintains public resources and tools, such as the [Permit Review Map](#), to show where scenic resource areas are located.

Of the 54 roadway units, 34 units are in attainment (63%) and 20 are not in attainment. Of the 33 shoreline units, 22 units are in attainment (67%) and 11 are not in attainment. Even though some units are recognized as being in a non-attainment status, these areas continue to show steady progress towards attainment and have not degraded in value. The improvements between last evaluation and the current evaluation have not been enough to yet increase the scores.

The lists below summarize findings from the Draft 2023 Threshold Evaluation and partnership discussions on what is currently working well and on-going challenges with the scenic protection program. Staff recommendations are located at the end of this staff report.

### *Working Well*

- The regional scenic protection program and regulations (e.g. scenic shoreline contrast scoring for project reviews) is viewed as well-established and predictable.
- TRPA maintains regional design guidelines and local area plans can impose additional standards specific to their community.
- Overall, the views of 96 percent of scenic resources (754 out of 782) have been maintained or improved from baseline since adoption.
- The trend toward attainment in the roadway and shoreline scenic travel units is steady and improving.
- Local design review committees show great promise in protecting and improving scenic qualities in town centers and more populated areas.
- TRPA staff currently reviews all projects visible from Lake Tahoe and the shoreland that have the most stringent development standards. These projects are not delegated to local jurisdictions.

### ***Spotlight***

The [Placer County Design Review Committee](#) reviews projects along scenic corridors including signs and commercial and tourist development. The committee is comprised of local subject matter experts, is widely respected, and has a proven track record of improving the scenic quality of new construction and redevelopment along the roadway corridors.

### *Challenges*

- Extensive unauthorized parking along the side of certain scenic roadways threatens the scenic ratings. Examples include excessive roadside parking along Emerald Bay, State Route 28 along the east shore of Lake Tahoe, and roadways near Zephyr Cove and Round Hill beaches. This planning consideration is being addressed through the [corridor management plans](#).
- Undesignated temporary structures and signage (e.g. sandwich boards, feather flag signs, etc.) cause visual clutter in urban corridors and are difficult to enforce.
- There is a concern that newer “mountain modern” architectural styles and/or “unnatural” building materials may not align with legacy development standards that focus on more rustic architectural styles.
- Some legacy design and development standards may not align with best practices for wildfire preparedness and home hardening. (e.g. wooden fences)
- There is concern regarding the replacement of legacy residential development with much larger homes in scale and mass. This planning consideration is being evaluated as part of the TRPA Cultivating Communities housing initiative.
- Scenic scoring necessary to approve a project along the shoreline of Lake Tahoe currently has the potential to rely heavily on new vegetation screening. In some cases, this vegetative

screening has not had the expected results leading to lengthy compliance negotiations after building construction is completed.

- Unoccupied or abandoned buildings can impact Tahoe’s scenic quality. There are a number of notable projects throughout the region awaiting capital improvement plans and/or investment for redevelopment.
- Although scenic threshold scores have not decreased, there are still a number of units that remain in nonattainment. In some circumstances, the scores have increased but not enough to bring the units into attainment.

### **Historic and Cultural Resource Protection Program**

The [Lake Tahoe Regional Plan](#) and [TRPA Code of Ordinances](#), Chapter 67, include management strategies and compliance requirements for the protection of historic and cultural resources in the Tahoe Basin, as well as provisions for tribal consultation. More specifically, Chapter 67 outlines applicability and standards for projects potentially adversely impacting resources.

In partnership with the USDA Forest Service, TRPA first identified locations of regional historic and cultural significance in the Tahoe Basin in 1971. This inventory was then later expanded in 1977 with Advisory Planning Commission involvement. In 1984, an official TRPA designated historic and cultural resources map and inventory was adopted by the Governing Board as part of Ordinance 84-1, the same ordinance adopting the Regional Plan. Additions to this map were then made in 1987 and 1989. Today, these are the only resources referred to as “designated”, or regionally significant landmarks. These include locations such as Thunderbird Lodge, Camp Richardson, tribal sites, and others. There were originally 75 designated landmarks throughout the region, though some are no longer in-tact such as the Barton Ranch on the south shore and the Brockway Hotel and Hot Springs on the north shore. Over the years, other locally significant resources have been identified through area-wide surveys, project specific NEPA and CEQA compliance, and parcel-by-parcel historic determinations.

Today, TRPA requires a determination of historic significance or eligibility for any structure 50 years of age or older<sup>3</sup> prior to project approval. Regular maintenance of a structure and replacement in-kind of materials (i.e. replacing a roof or windows with in-kind materials) do not trigger the need for historic resource determination.

It is important to note that the practice of identifying historic and cultural resources in this manner, parcel-by-parcel once a structure is over 50 years, is not codified but rather an adopted procedure to comply with the Regional Plan and Code of Ordinances and to continue to “identify” resources of interest. This practice of issuing determinations on a parcel-to-parcel basis is placing an increasingly greater demand on staff resources and is an initial step required prior to submitting a redevelopment project for applicants.

In 2024, TPRA issued 161 historic determinations. Only three of those resulted in a property having some local historic significance. Of these, 77 determinations were located within the City of South Lake Tahoe (48%), 23 in Douglas County (14%), 27 in El Dorado County (17%), 15 in Placer County (9%), and

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<sup>3</sup> The “fifty-year rule” is often a misunderstood chronological threshold. This fifty-year standard to evaluate buildings, site, objects, districts and other structures was established by the Department of the Interior, National Park Service in 1948. Much of the historic preservation guidelines and standards, including this fifty year evaluation rule, followed by jurisdictions throughout the country are based on the Secretary of the Interior’s standards for the treatment of historic properties.

19 in Washoe County (12%). With the aging built environment in Tahoe, today half of the parcels (approximately 22,000 parcels) were built prior to 1975 and will require a historic determination prior to a project.

Per the TRPA Code of Ordinances, projects that would modify potentially eligible or designated historic resources are subject to special standards and processes. TRPA and/or the project proponent are required to complete tribal consultation prior to approval for any project potentially impacting or within the vicinity of a cultural or archaeological site. Construction, reconstruction, repair, and maintenance of historic resources is encouraged to be consistent with the [U.S. Secretary of Interior's Standards for the Treatment of Historic Properties](#). These are general widely accepted guidelines that can preserve the historic character and integrity of a resource. If staff cannot make the finding that the project will adhere to the U.S. Secretary of Interior's standards, then mitigation for the alteration or loss of the structure will be required.

Additions to, modifications to, or demolition of an eligible or designated historic resource, including new construction within a historic district, also require a review and approval by a Hearings Officer. Hearings Officer approvals are time consuming, costly, and typically address more controversial planning matters. Because of this Hearings Officer requirement, many projects and activities that would otherwise be covered under a delegation memorandum of understanding (MOU) with a local government are being directed to submit applications directly to TRPA. These public hearings, which are intended to make the community aware of projects altering or demolishing historic buildings and provide an opportunity to comment, have garnered relatively little to no attention.

Over the last ten years, TRPA has made significant improvements to the historic and cultural resource protection program including standardizing mitigation requirements so that applicants have predictability when planning projects and bundling this review with other applications such as site assessments and development projects. However, according to feedback received from local jurisdictional partners and permitting consultants as part of TRPA Permitting Improvement Project in 2022, the current procedures for historic resource protection are “widely viewed as overly cumbersome and ineffective.” Many stakeholders suggested substantive policy changes for historic resource protection.

Nationally, there has been very limited legal support for historic preservation requirements to dictate what can be done on private property. Success in preservation occurs with the involvement of the local community. Seemingly, the practices of the regional planning agency overseeing the identification and protection of locally significant resources, disconnects those resources from the communities in which they are significant.

In conversations with local partners, TRPA staff found that regional regulations and practices for the identification of historic and cultural resources, as well as review of project with historic resources is largely duplicative. In compliance with state requirements and their own master or general plans, local jurisdictions also have practices to “identify” historic resources of local significance. El Dorado and Placer Counties both require a process similar to the TRPA, with review by the respective county museum department. Most often, these professionals are more well versed in the community history and important figures. Washoe and Douglas Counties rely on existing inventories provided by the State Historic Preservation Office and comprehensive area-wide architectural and cultural surveys completed in the 1990s and 2000s.

### *Working Well*

- TRPA in partnership with local agencies maintains an inventory of designated landmarks of regional significance. Many of these landmarks are now located on state or federal lands.
- Comprehensive architectural and cultural surveys on the Nevada side of the Lake Tahoe Basin were completed in the 1990s and 2000s.
- El Dorado and Placer County each have a determination process in coordination with their museum department.
- Local architectural review boards and community subject matter experts review projects potentially impacting historic resources.

### ***Spotlight***

The Tahoe Meadows Historic District in the City of South Lake Tahoe has established an architectural review board with by-laws that helps to ensure the preservation of the neighborhood's architectural aesthetic. The district was added to the National Register of Historic Places in 1990.

### *Challenges*

- TRPA's determination process is currently parcel-by-parcel and identifies locally significant resources. This is largely duplicative of the local jurisdictions process and is not a best practice.
- TRPA's requirement for a Hearings Officer review of projects impacting local resources has garnered relatively little to no public attention and input.
- Need for better coordination and/or regional database of all known historic and cultural resources. A few local partners were unaware of resources identified by TRPA and vice versa, TRPA did not have an updated inventory of all historic resources recognized by the local jurisdiction.

### Recommendations:

The Bi-State Compact provides directives for the "preservation, development, utilization, and management" of scenic and other natural resources within the basin, including "historical facilities." As discussed within this memorandum, TRPA's scenic resource protection program is perceived as well established and predictable for applicants. Scenic threshold standard attainment, albeit slow, is steady and improving. Although there are recognized challenges with continuing scenic attainment, partners generally agreed that these concerns could be addressed through existing work programs of the agency and regional partners including continued coordination and training between TRPA and local partners, area plan implementation, corridor plans, and other initiatives.

Through conversations with local jurisdictional partners the historic resource protection program, however, does appear ripe for permitting process improvements. The current TRPA regulations and practices for the identification and protection of locally significant resources is largely duplicative with local processes and has resulted in a disconnect in the preservation planning of these resources by the communities in which they are significant. There may still be a place for TRPA to remain engaged to ensure the protection of cultural or regionally significant landmarks.

The lists below provide general recommendations from TRPA staff, based on conversations with local partners, for the scenic and historic resource protection programs. These improvements would allow the region to continue to achieve and maintain Regional Plan goals and policies, as well as environmental threshold attainment.

***Scenic Resource Protection Program Recommendations:***

- Maintain the existing staff serving in the TRPA MOU Coordinator and Customer Service roles as a liaison and to answer permitting questions specific to the scenic resource protection program.
- Conduct regular refresher training with permitting and compliance staff at TRPA and local jurisdictions regarding scenic regulations. Target training for known issues or concerns.
- Audit and adopt amendments where needed for regional and area plan design review guidelines for alignment with wildfire home hardening best practices. (e.g. requirements for “wooden” fences)
- Through the area plan process, encourage local design review boards or committees in areas of interest, such as historic districts, town centers, and roadway corridors not currently in attainment.
- Include an inventory of known underutilized or redevelopment projects awaiting capital investment or in process within the local government report or other material available to the Governing Board.
- Review allowances in scenic assessments or provide guidelines for new vegetative screening.

***Historic Resource Protection Program Recommendations:***

- Defer to local jurisdictions for the identification and project review of locally significant historic resources. Historic determination practices and processes would be at the discretion of the local jurisdictions through parcel or district-wide evaluations, existing inventories, or larger surveys.
- Maintain an inventory of regionally significant landmarks and review potential impacts of projects impacting regional landmarks not currently covered under an MOU.
- TRPA to work with local governments and MOU partners (e.g. state parks, USDA Forest Service, etc.) in the protection of regionally significant resources.
- Improve or develop a regional database of known historic and cultural resources accessible to all regional permitting partners. Exact location of cultural and archaeological resources would not be accessible to the public.

**Contact Information:**

For questions regarding this agenda item, please contact Jennifer Self, Principal Planner, at 775-589-5261 or [jself@trpa.gov](mailto:jself@trpa.gov). To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

**Attachments:**

- A. Summary of TRPA Historic and Cultural Resource Protection Regulations



Attachment A  
Summary of TRPA Historic and Cultural Resource Protection Regulations

Attachment A  
Summary of TRPA Historic and Cultural Resource Protection Regulations

This attachment summarizes TRPA historic and cultural resource protection policies, regulations, and procedures. These serve as guideposts and compliance directives for TRPA's Permitting and Compliance Department and our partner agencies during the review of proposed projects potentially effecting historic resources within our jurisdiction.

Specific policy or regulatory language can be seen in ***bold italics*** below.

In addition to TRPA regulations, the following policies, legislation, and guidelines may impact projects within the Lake Tahoe region depending on scope, scale, funding source, etc.:

- National Environmental Policy Act (NEPA)
- Section 106, National Historic Preservation Act
- California Environmental Quality Act
- California Native American Historical, Cultural, and Sacred Sites Act
- County General and Master Plans

Bi-State Compact:

The bi-state compact states the regional plan shall include a conservation plan for the ***"preservation, development, utilization, and management"*** of scenic and other natural resources within the basin, including ***"historical facilities"***.

Lake Tahoe Regional Plan – Chapter 4, Conservation Element

Historic resource protection policies and goals are included in Chapter 4: *Conservation Element* of the Regional Plan as directed by the Bi-State Compact.

***"...Tahoe's landmarks are valuable examples of its past and should be appropriately preserved."***

***Goal: Identify and preserve sites of historical, cultural and architectural significance within the region.***

In partnership with the USDA Forest Service, TRPA identified locations of historic and cultural significance in the Tahoe Basin in 1971. In preparation for the Regional Plan, TRPA expanded this inventory in 1977 with APC involvement. At this same time, inclusionary criteria were established in-keeping with state and national standards. In 1984, an official TRPA designated historic resources map was adopted as part of Ordinance 84-1, the same ordinance adopting the Regional Plan.<sup>6</sup> Additions to the map were made in 1987 and 1989. Today, these are the only resources referred to as "designated".

In the 1990s and 2000s, third-party external consultants hired by TRPA completed numerous architectural and cultural surveys on the Nevada side of the Lake Tahoe basin. These surveys were completed with grant funds and intended to be used for TRPA planning purposes. At the time, it was anticipated that surveys would be completed in a phased approach around the basin and result in a comprehensive inventory of historic and cultural resources. However, such activities were not continued following the Nevada survey.

Today, historic resources are identified on a case-by-case basis. When a potential project impacts a structure 50 years of age or older, TRPA or MOU partner with delegated TRPA permitting authority is required to complete a determination of eligibility. Resources identified in the Nevada surveys or on a case-by-case basis are referred to as “determined eligible” or “recognized historic resources”.

***Policy: Historical or culturally significant landmarks in the region shall be identified and protected from indiscriminate damage or alteration...Special review criteria will be established to protect such designated site in cooperation with property owners.***

Although the term “landmarks” is not defined within the Regional Plan, it is assumed to refer to TRPA designated sites. Other than TRPA’s Design Review Guidelines and Code of Ordinance’s (both discussed in a subsequent section), there has not been TRPA-specific review criteria developed for the protection of designated sites. TRPA has standardized mitigation measures for the alteration or demolition of resources and defers to the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

***Policy: Sites and structures designated as historically, culturally, or archaeologically significant shall be given special incentives and exemptions to promote the preservation and restoration of such structures and sites.***

Section 67.8.3 of the TRPA Code of Ordinances outlines specific exemptions available for designated historic resources. These exemptions include some waivers from existing standards – such as water conservation, building design, paving and parking, painting, and shorezone regulations – so long as certain criteria are met. These exemptions are subject to review given a project’s location and scope, as well as consideration of environmental thresholds.

### Rules of Procedure

As part of the project review, the applicant is required to complete and submit an Initial Environmental Checklist (IEC) to determine the potential effect (if any) on a historic resource. Question 20 of the IEC pertains directly to potential effects to historic or cultural resources. An IEC is not required for the determination of a historic resource or certain types of projects such as a single family dwelling.

Based on existing planning guidelines, regulations and precedents, TRPA Permitting and Compliance Department in consultation with legal staff and the TRPA Hearings Officer concluded that demolition of an eligible or designated historic resource is approvable so long as (1) TRPA can make the required findings, and (2) there is no objection from any applicable neighborhood organizations or collection of community members, the local jurisdiction, or the applicable State Historic Preservation Office (SHPO). Should there be objections from any of the entities mentioned above, the Permitting and Compliance Department and Hearings Officer would take the objections under consideration and resolve these on a case-by-case basis.

If, based on the IEC or EA, and other available information, TRPA determines that significant adverse effects can be mitigated by revisions to, or conditions on the project or matter, and the

applicant agrees, in writing or on the record, to such revisions or conditions, then TRPA may find that the project or mater will not have a significant effect on the environment.<sup>5</sup>

So long as Permitting and Compliance Department staff can mitigate a significant adverse effect, then a mitigated finding of “less than significant impact” or finding “no significant impact” can be made. See Code of Ordinances section below for more information on appropriate mitigation.

**6.4.1 The IEC shall, when completed, provide information identifying the environmental effects of the proposed project or matter. The IEC shall include, at a minimum, the following:**

- A. An identification of the environmental effects by use of a checklist, matrix, or other method;**
- B. A discussion of proposed mitigation for significant adverse effects, if any;**
- C. The name of the person who prepared the responses; and**
- D. If applicable, supporting data or evidence to support the responses.**

**6.4.3 When completed, the IEC shall be reviewed by TRPA to determine the adequacy and objectivity of the responses. When appropriate, TRPA shall consult informally with federal, state, or local agencies with jurisdiction over the project or with special expertise [such as SHPO] on applicable environmental impacts.**

**6.7 If, based on the IEC or EA, and other available information, TRPA determines that significant adverse effects can be mitigated by revisions to, or conditions on the project or matter, and the applicant agrees, in writing or on the record, to such revisions or conditions, then TRPA may find that the project or mater will not have a significant effect on the environment. A statement of such finding shall be placed in the project file maintained by TRPA and no further environmental documentation shall be required. See Section 3.6 of the Code.**

**12.14. Project or matter requiring notice to affected property owners: (f) substantial modifications/demolition of historic resources.**

#### Environmental Threshold Monitoring

TRPA currently does not have a threshold or specific standards related to historic or cultural resources or historic resource protection. This may be the only element within the Bi-State Compact and Regional Plan that is not directly linked to a threshold standard.

#### Code of Ordinances: Historic Resource Protection

**2.2.2.A.2.c: Additions, reconstruction, or demolition of eligible or designated historic resources requires review and approval by Hearings Officer.**

Additions, modifications, or demolition to an eligible or designated historic resource shall be reviewed and approved by a Hearings Officer, and is therefore not approvable as a Qualified Exempt activity. Additions include new construction within historic districts.

Chapter 67 of the TRPA Code of Ordinances includes management strategies and compliance for the protection of historic resources in the Tahoe Basin. More specifically, it outlines how historic

resources shall be designated (or recognized) for significance, inclusionary criteria, and standards for projects potentially adversely impacting historic resources.

## **Designation and Determinations of Eligibility**

### **67.4. DISCOVERY OF ELIGIBLE RESOURCES**

***Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site...***

Today, determinations of eligibility are made for buildings or structures 50 years of age or older if a proposed project could potentially impact the resource. Should a resource (defined as a building, structure, object, site or district) have particularly high historic significance or integrity, it *may* be “designated” by TRPA. (Section 67.5) This designation increases awareness of the resource and must be approved by the Governing Board. Although procedural steps for *designating* a historic resource are still included within the Code, this action has not been pursued since 1989. (As discussed within the *Bi-State Compact* section above.) TRPA would likely only pursue this designation today if the property owner wished to do so. Properties that are determined eligible as historic resources for planning purposes are referred to as “determined eligible” or “recognized as historic resources”.

### **67.6. CRITERIA FOR ELIGIBILITY AS A HISTORIC RESOURCE**

Section 67.6 outlines inclusionary criteria for a resource to be determined historically or cultural significant. This criteria is compatible with and closely mirrors state and national criteria standards:

1. Resources associated with historically significant events
2. Resources associated with significant persons
3. Resources embodying distinctive architectural characteristics
4. State or federally recognized archaeological or paleontological resources
5. Prehistoric or archeological sites that may contribute to the basic understanding of early cultural or biological development in the region.

### **Standards for Projects to Historic Resources & Mitigation Requirements**

Section 67.7 outlines compliance regulations for additions, repairs, maintenance, reconstruction, and demolition to properties determined eligible or designated historic resources. Whether or not mitigation will be required is determined based on the scope of the project and its potential effect the historic resource.

#### **67.7.4. 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 the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.***

The [U.S. Secretary of Interior's Standards for the Treatment of Historic Properties](#) are general guidelines that can help to preserve the historic character and integrity of a historic resource. If

the guidelines are followed (e.g. a new addition is in-keeping with the overall character of the building and does not detract from its integrity) it may be possible to make a finding of no significant effect and no mitigation would be required. TRPA may suggest specific character defining features, materials, or scale and massing be retained as part of a condition of approval.

If staff cannot make the finding that the project will adhere to the U.S. Secretary of Interior's Standards, then mitigation will be required. This mitigation typically takes the form of a "resource recovery plan" or more commonly known as a historic resource report or inventory. This report serves to document the existing conditions and historic significance of the property before it is altered or lost. This plan or report must be completed by a qualified architectural historian and donated to local historic societies and the State Historic Preservation Office.<sup>1</sup> Mitigation also includes professional photographs of the property.

### **67.7.3. Demolition**

***Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:***

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

As stated in the "Rules of Procedure" section above, demolition of historic resources are approvable so long as (1) TRPA can make one or more of the required findings above, and (2) there is no objection from any applicable neighborhood organizations or collection of community members, the local jurisdiction, or the applicable State Historic Preservation Office (SHPO). Should there be objections from any of the entities mentioned above, Permitting and Compliance Department and Hearings Officer would take the objections under consideration and resolve these on a case-by-case basis.

Based on existing planning guidelines, regulations and precedents, finding A above can be made if mitigation is prescribed by TRPA and followed or completed by the applicant. This mitigation typically takes the form of a "resource recovery plan" or more commonly known as a historic structure report or inventory. This report serves to document the existing conditions and historic significance of the property before it is altered or lost. This documentation may include narratives describing the historic context the resource, existing conditions, and statement of significance, as well as photographic documentation. This plan or report must be completed by a qualified architectural historian.<sup>2</sup>

TRPA may require additional mitigation measures given the scope of the proposed project and the resource's level of significance. (e.g. oral history of the resource or property by living descendants, write-up in the local paper, etc.) Mitigation is included within the "prior to acknowledgement" conditions of the permit. The permit shall not be finalized, or "acknowledged", until such conditions are met.

In compliance with section 67.4, TRPA will consult with the Washoe tribe regarding proposed projects that could potentially impact cultural and tribal sites.

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<sup>1</sup> For qualification standards visit: [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm)

## TRPA Design Review Guidelines

### **2.A. Building Design**

***Guideline: (4) "Establish an Architectural Style: Major building forms should express a simplicity and directness responsive to the vernacular traditions of mountain architecture... The goal is for functional design solutions that are compatible with the natural environment and contribute to the character and quality of the built environment."***

The architectural style of a particular planning area is typically guided by the local planning document. (i.e. area plan or community plan)

### **2.D. Historic Buildings**

***"Steeply pitched roofs, deep covered porches, dormers, board and batten siding, window mullions, and rock wainscoating are among design elements which helped create the 'Old Tahoe' building style."***

***Guideline: "Refer to The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."***