

OVERVIEW and UPDATE for the EASTMORELAND HISTORIC DISTRICT

In the fall of 2011, the Eastmoreland Neighborhood Association adopted land use goals to preserve the historical character and landscape of the neighborhood. These included curtailing the loss of smaller more affordable houses to speculative demolition, ending the granting of arcane entitlements to split lots, and addressing the lack of effective size limitations and design standards for remodels and replacement homes. During the next several years, the ENA Land Use Committee worked to inform the neighborhood of the possible options for addressing these challenges and met regularly to develop implementation plans in coordination with city planning staff.

In early 2015, the BPS made it clear that they would not support expanding the size of the existing Eastmoreland Plan District or regulations for implementing the land use goals within the district. Without protections it was apparent that this neighborhood, along with many others, would be transformed at an accelerating pace, and in the process, lose its historical architecture and landscape.

In the fall of 2015, the ENA Board decided to explore the feasibility, costs, and impacts on other neighborhoods of national historic district designation. The Board worked to inform the neighborhood through news articles and letters, as well as the very public interview of three historic preservation consultants. The Board proceeded with caution by structuring a path that required several points of further affirmation to insure that the neighborhood would support the effort.

In May of 2016, a widely publicized all-neighborhood informational meeting was attended by 250 of our neighbors. The assessments and comments from that event indicated strong support for the Board to proceed with the next steps of documenting the entire neighborhood and preparing a nomination for the Eastmoreland Historic District.

Beginning in June of 2016, a well-financed opposition campaign (Keep Eastmoreland Free) was under way, denigrating the ENA Board's public process, faulting the competence of the historic preservation consultant's work, undermining the value of living in an historic district, filing spurious lawsuits to block the process and attacking historic districts in general as racist and elitist at the State legislature and in editorials.

November, 2016. The Draft Eastmoreland Historic District nomination was submitted for initial review by the State Historic Preservation Office (SHPO). The documents were made public and the comment period initiated in mid-December.

In January of 2017, the State Historic Preservation Office (SHPO) and the ENA Board sponsored the presentation of the Draft Nomination to the neighborhood. Public notice was issued by the SHPO and the City of Portland. Supporters of the historic district formed Historic Eastmoreland Achieving Results Together (HEART) to counter opponent's claims inviting neighbors to a series of informational gatherings.

In February of 2017, the completed nomination was endorsed by the Historic Landmarks Commission of the City of Portland. The State Advisory Committee on Historic Preservation (SACHP) held a hearing in the neighborhood, and provided unanimous endorsement. Once adopted at the SACHP meeting, the State Historic Preservation Office (SHPO) became a sponsor, subject to ENA Board support, and prepared to submit the nomination to the National Park Service.

Until the officially announced closing date for public comment in early July 2017, the nomination was open for further public comment, was the subject of multiple public meetings, vigorous discussion, and door to door canvassing. The federally mandated voting process was exercised via notarized objections. The ENA Board sponsored a gut-check poll of neighborhood opinions about the historic district. Results of that poll were statistically inconclusive.

In March 2017, the ENA Board, considering the advisory poll results, the efforts by the opposition to confuse the questions and to initiate parallel polls, and the level of participation, voted to advance the nomination with several months remaining to determine the outcome of objection process. With HEART fully engaged in sponsoring educational events, opinions began to shift increasingly in favor of the nomination as indicated in subsequent analysis.

By filing lawsuits, opponents effected a suspension of the SHPO's work but subsequently lost in their effort to block the nomination in Marion County, in the Oregon Court of Appeals, and, in 2018, when the Oregon Supreme Court denied review.

The May 2017, the results of the Annual Meeting of Members election made it clear that with the very high turnout, the neighborhood strongly supported candidates in favor of the HD nomination and provided only modest support to those opposed.

The nomination was submitted by the SHPO to the NPS. However, apparently without counting, the SHPO reported itself unqualified to determine the count of eligible owners thus preventing the NPS from determining the ratio of owners to objectors and rendering the nomination incomplete.

July 2017, The National Park Service (NPS) returned the nomination to SHPO indicating their approval of all aspects of the nomination except the count of eligible owners and objectors due to SHPO's failure to provide a count of property owners.

During the summer of 2017, a detailed analysis of objections confirmed that opponents failed by significant margins both in May when, according to NPS rules, the nomination (with a count of owners) was to be submitted, and again in early July 2017 when the NPS closed the comment period and returned the nomination to the State Historic Preservation Office (SHPO) pending a completed count of objections.

Since early July of 2017, the Eastmoreland neighborhood and the Eastmoreland Neighborhood Association (ENA) Board have waited with decreasing patience for the Oregon SHPO to deliver on its promises to complete the counting of eligible owners, objections, and rescissions.

In mid-December of 2017, the ENA Board voted to make formal complaint to the agencies involved for mismanagement and unreasonable delay in completing the count. On Friday, **February 9, 2018** with support provided by Historic Eastmoreland Achieving Results Together (HEART), the ENA filed an appeal with the National Park Service (NPS) asking that the NPS take over the process from the Oregon SHPO for cause. The appeal was further amended on **February 14** requesting clarifications of the NPS role in formulating or approving this non-conforming process.

On February 13, 2018, the Oregon SHPO issued a bulletin outlining an unprecedented process that reopens the comment period with resolution of the count due in mid-May or perhaps even later. The bulletin indicates that SHPO will follow the federal process - the legally required standard complete with established guidelines concerning the methods of identifying eligible owners and objectors. This process

and guidelines are not new; they were in place long before the nomination was developed and in place when the nomination was submitted in May of 2017.

By stretching the counting period for almost a year, the SHPO process appears to favor opponents despite approval of the nomination by the Portland Landmarks Commission, the SHPO's statewide advisory committee's (SACHP) unanimous support, the SHPO's own unanimous endorsement, and ultimately the neighborhood's endorsement as analyzed following the July 2017 closing date for comment and objection. Further, it reopens another season of controversy that could destabilize the relative calm in the neighborhood. Given the yearlong effort expended by both sides of this issue, the lack of resolution damages everyone involved.

On March 14, Eastmoreland neighbor, Patrick Cummings has filed documents with Multnomah County conveying his property at 3232 SE Lambert to 1000 individual trusts under the name the HDB Trust 1 to HDB Trust 1000 (each of which Patrick Cummings is the sole owner) with the apparent intent of undermining the Historic District voting process, the election of ENA Directors, or both.

On March 15, The National Park Service issued a letter denying the ENA's February 13 appeal on the basis that the Oregon SHPO was actively working on the count and that NPS expects to receive the nomination by May 18, 2018 as proposed by SHPO.

During its March meeting, the ENA Board approved a motion to proceed to investigate the impact of the 1000 new entities on the ENA election with SEUL and the City of Portland, and to discuss possible counter measures with our land use attorney and the agencies involved with the historic district.

Conclusion. As the Eastmoreland Historic District nomination hangs in bureaucratic suspense, Peacock Lane became a national register district and Laurelhurst is in process. Meanwhile homes in Eastmoreland remain unprotected from speculative demolitions as evidenced even in recent weeks. A national historic district is the only designation available that provides demolition review protections to 80% of our homes and will provide guidance for future changes. For the next year at least, demolition review protection is the immediate benefit that will come from listing on the National Register. At some point in the future, we look forward to additional protections in the form of publicly approved locally specific guidelines.