COPY

NOV - 7 2002
DAVID W. PETERSON

HONORABLE JUDGE JAY B. ROOF
Hearing Date: November 8, 2002
Hearing Time: 1:30 p.m.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

CITY OF BREMERTON, a municipal corporation. Plaintiff. vs. WILLIAM J. SESKO and NATACHA SESKO, husband and wife, and their marital community, Defendants	Case No.: No. 97-2-01749-3 DECLARATION OF WILLIAM J. SESKO

1. I. William J. Sesko, hereby declare under the penalty of perjury of the laws of the State of Washington as follows:

2. I am over the age of 18 years, competent to testify, and make this declaration base On my own knowledge and belief, except where indicated otherwise.

3. My wife Natacha Sesko and I pay over $23,000 per year property tax to Kitsap County and we should be secure with our possession and treated as others under the law.

4. I designed a Submarine High Pressure Emergency Ballast Blow System after the Thresher sank. The same emergency system the Navy was using when they sank the Japanese research boat near Hawaii. It's for emergency use.

5. The two submarine salvage pontoons off our Pennsylvania Avenue Property in The State Harbor areas are of historic significance. Because they could have been the ones used to salvage the USS SQUALUS in 1939. The City wants to destroy them.

6. We rented property west of our Pennsylvania property for storage and research and Development for $1000 per month.

7. The City ordered the property vacated and denied us an appeal (see Exhibit 1,2 3)

8. The order exhibit 1 clearly states vehicle storage not allowed in Business Park Zone And Boat must be removed; yet exhibit 3 to 14 clearly shows vehicles and stored boats through out Penn Plaza Storage Yard. Only Sesko's boats and vehicles had to be removed!

9. Exhibit 15-19 shows Sesko use of Pennsylvania Avenue property isn't a problem With adjacent properties. Exhibit 16 shows the city trying to create a problem.

10. Appellant review cause No. 23150-6-II states " The orders for injunctive relief Do not prevent uses for business purposes; they only require the removal of the junk on the sites."

11. We want to make productive use of our properties and need real guidelines. An Opinion printed in the Bremerton November 5,02 exhibit 20 shows our difficulties "Description of the Bremerton Planning Department range from "It is in a continual State of disarray" to " it is a constant swinging door down there" to "you never get the same opinion twice".

12. Exhibit 21. A Memorandum from Don Pratt in February 6,1997 states " I am the City" and he is not confident in his actions against us.

13. The Shoreline Master Program City of Bremerton Page. 7-7. Exhibit 22 shows we Should have been able to appeal Don Pratt's decision upheld by the planning commission to the City Council and then the shorelines hearing board as provided in RCW 90.58.180.

14. Our appeal to City Council was never heard and after a year delay Don Pratt said we

Didn't get a hearing.

15. And here we are with the City trying to say we can't ever use our Pennsylvania Avenue property productively.

16. The Shoreline Master Program Page. 5-12 Exhibit 23. States the Port of Bremerton is Encouraged coordinating Industrial Use along the shoreline.

17.With the Courts approval may be the port of Bremerton could coordinate our use of our Pennsylvania Avenue property.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.
Dated this 6th day of November 2002. At Bremerton Washington.

WILLIAM J.SESKO

CITY OF BREMERTON

CEASE AND DESIST ORDER

Pursuant to BMC 21.02.945(c) "Cease and Desist Order", [PAUL & MARGARET MCCONKEY], owner/occupant of the property located at, END OF THOMPSON AVENUE, Bremerton, WA is hereby ordered to immediately discontinue the illegal use defined herein.
Tax account # 37110000010409.
The following conditions have been defined as violations of the *BREMERTON MUNICIPAL CODE* by the Director of Community Development:

BMC 21.02.140 "Interpretation of Tables", JUNKYARD AND VEHICLE STOREAGE use not allowed in BP ZONE.

BMC 21.02.945 "Violation of the Zoning Code" [Cease and Desist Order] (c)(2) states:

"An order shall be obeyed immediately, notwithstanding the filing of an appeal. An order is final if not appealed within fourteen (14) calendar days from the date of posting, or as otherwise stated within the order"

DATE ORDER WAS POSTED: FEBRUARY 8, 2002

COMPLIANCE WITH ORDER MUST BE ACHIEVED BY: FEBRUARY 22, 2002

Failure to satisfy the conditions of this order may cause the owner/occupant/lessor to be guilty of a gross misdemeanor as per BMC 21.02.945 "Violation of the Zoning Code" [Cease and Desist Order] (c)(3).

ACCOMPLISH THE FOLLOWING ACTION: REMOVE JUNK VEHICLES, BOATS, TRASH AND DEBRIS.

Chris Hugo 2/7/02

CHRIS HUGO, DIRECTOR DATE
DEPARTMENT OF COMMUNITY DEVELOPMENT

FOR MORE INFORMATION REGARDING THIS NOTICE, CONTACT JEANNI JOHNSON, AT (360) 478-5211.

DO NOT REMOVE OR DEFACE THIS NOTICE

286 4th Street * Bremerton * WA * 98337
(360)478-5275 Fax (360) 478-5278

Request for Review of Decision of Director, Planning Commission or to Appeal a Cease & Desist Order

Reference: Zoning Code Section 21.02.935 & 21.02.945

Request Party: WILLIAM J. SESSO
(Your name)

3536 ARSENAL WAY
(Your mailing address) BREMERTON WA 98312

360 377 - 0697
(Telephone number)

Decision Being Appealed: CEASE & DESIST ORDER

Address and/or Location of Decision Being Appealed: N. END OF THUMPSON DR. E. SIDE

Please provide a concise statement of specific finding(s) or conclusion(s) to be reviewed, together with material facts claimed to support your contentions. Use additional paper if necessary.

THIS PROPERTY HAS BEEN USED AS INDUSTRIAL FOR THE PAST 50 YRS AND IS INDUSTRIAL UNDER THE BREMERTON SHORE LINE MAS. PLAN.

Please provide a brief statement of the relief sought and the reasons why the decision/action should be reversed, modified or remanded. Use additional pages if necessary.

THE PROPERTY HAS BEEN USED INDUSTRIALY AND SHOULD BE MADE TO BE USED AS SUCH ANY JUNK & TRASH WILL BE REMOVE

Date: FEB 22 02

Appellant's Signature

Fee: Review to City Council - $170.00
Review to Planning Commission - $120.00 (Only applicable to a Cease & Desist Order Appeal)

Reviews will be scheduled to be heard before the Bremerton City Council as soon as possible, allowing for adequate preparation and notice. You will receive written notification of the Council hearing date mailed to your address given above. The City Council decision is the final legislative decision.

12/26/00 jjm

RECEIVED
FEB 22 2002
BREMERTON
BUILDING DEPARTMENT

CITY OF BREMERTON • 239 4th Street • Bremerton, WA 98337

March 1, 2002

William J. Sesko
3536 Arsenal Way
Bremerton, WA 98312

Dear Mr. Sesko:

The purpose of this letter is to advise you that the City of Bremerton cannot process the appeal you filed of a Cease and Desist Order on February 22, 2002. A refund of the $132 appeal fee is in process and should reach you within approximately ten days.

The Department of Community Development has been contacted by Mr. Paul McConkey, the legal owner of the property in question. We have been advised that you were served with a 20-day Eviction Notice several days ago, that your lease of this property will terminate on April 1, 2002, and that the legal owner does not support the appeal and intends to abate the violation(s) that exist on the property.

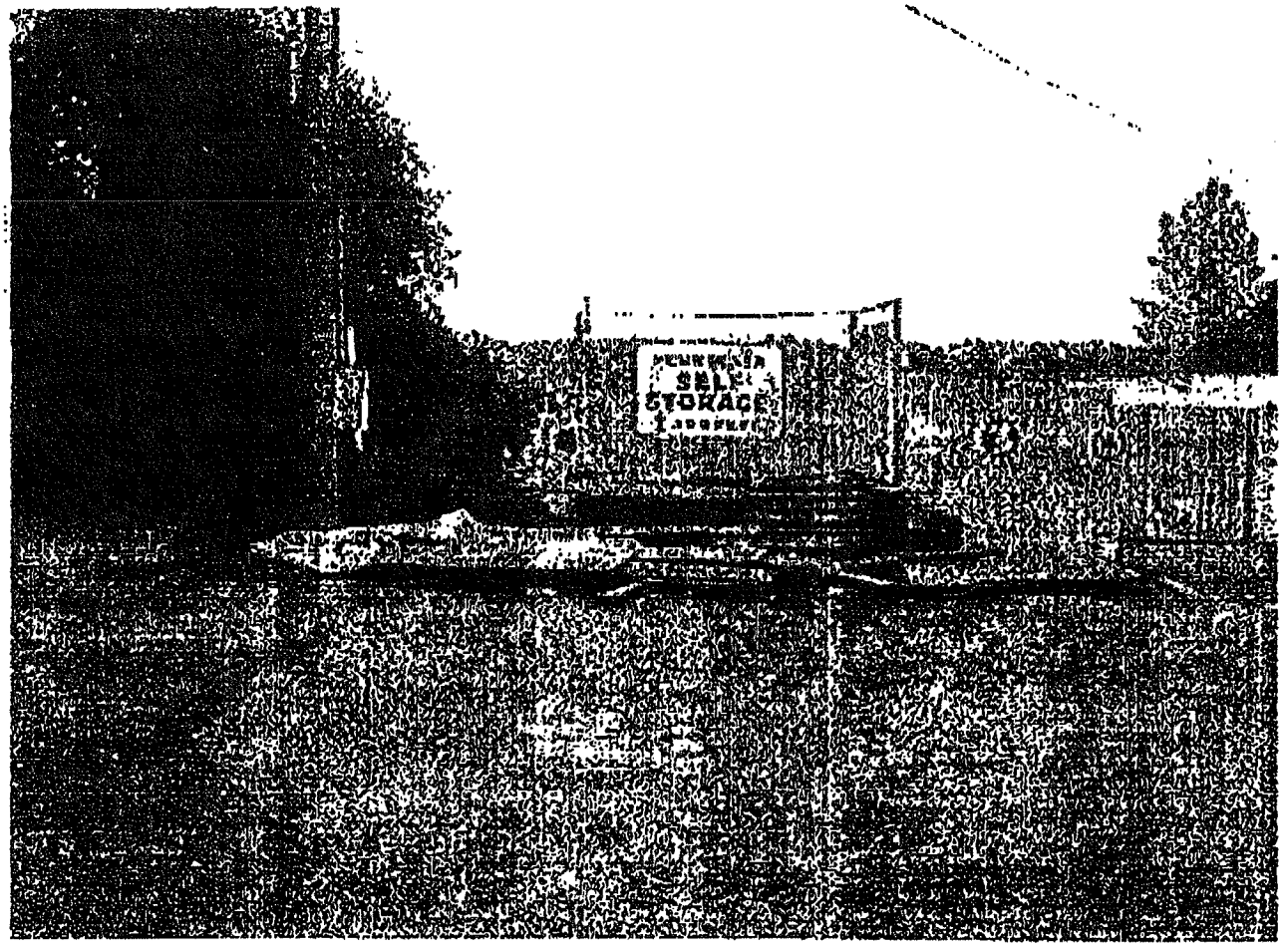
Under the above circumstances the City is not able to accept or process the appeal.

Sincerely,

Christopher R. Hugo, Director
Department of Community Development

CC: Paul McConkey, Property Owner
Jeanni Johnson, Code Enforcement
Roger Lubovich, City Attorney

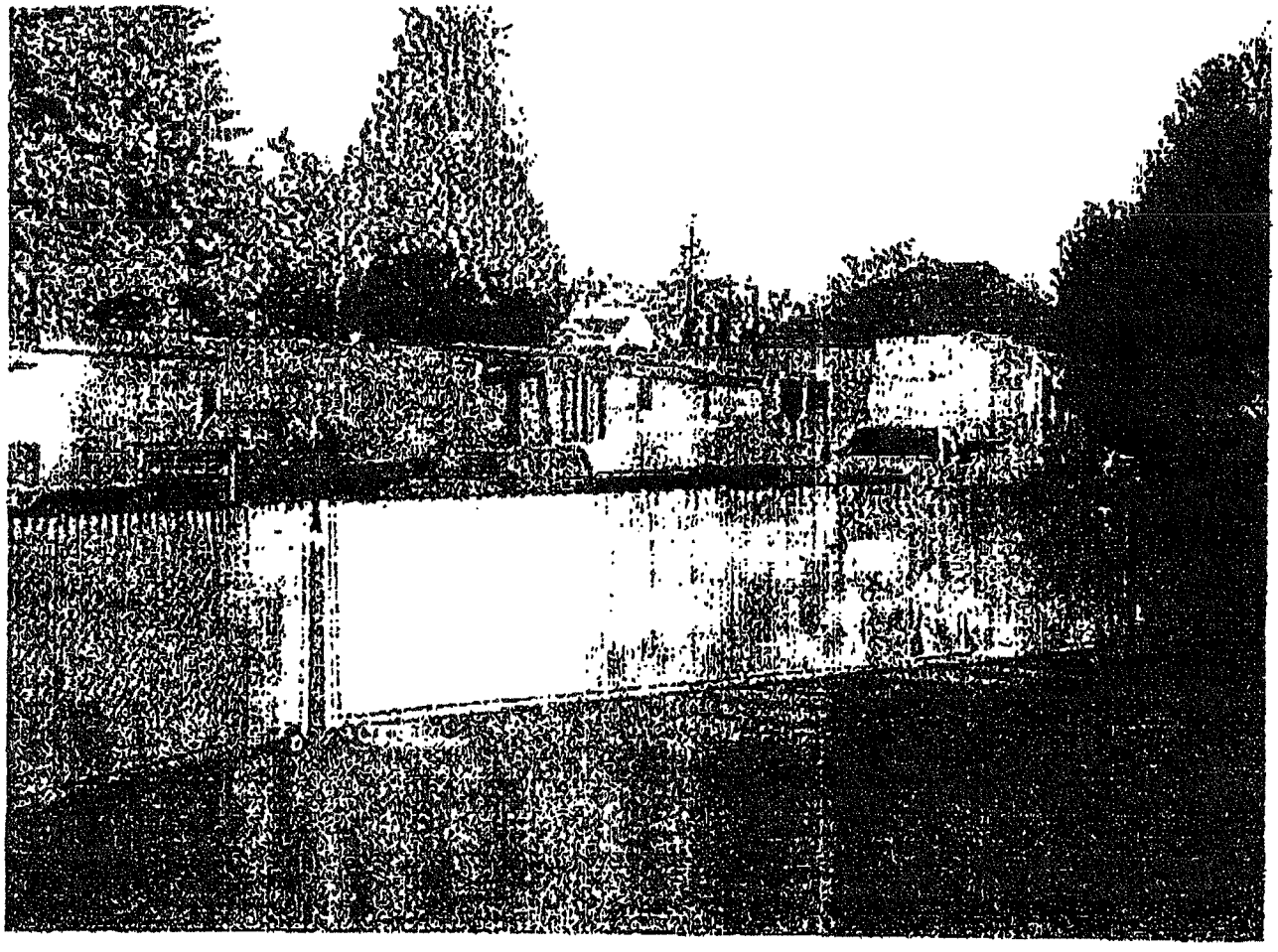
Pensylv nia Avenue Pen. Plaza



10/01/02

EX 3

Fern Plaza Industrial Park



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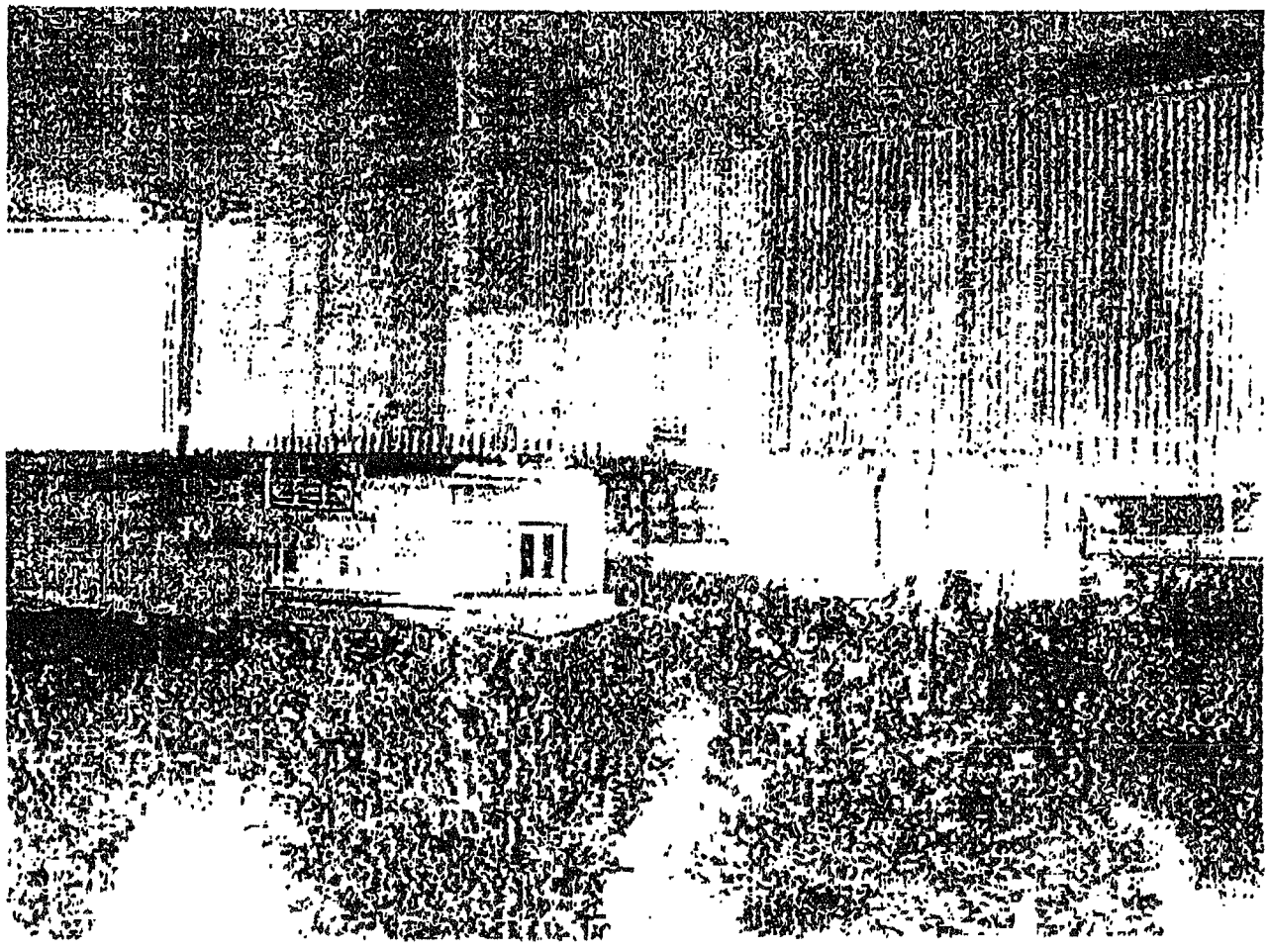
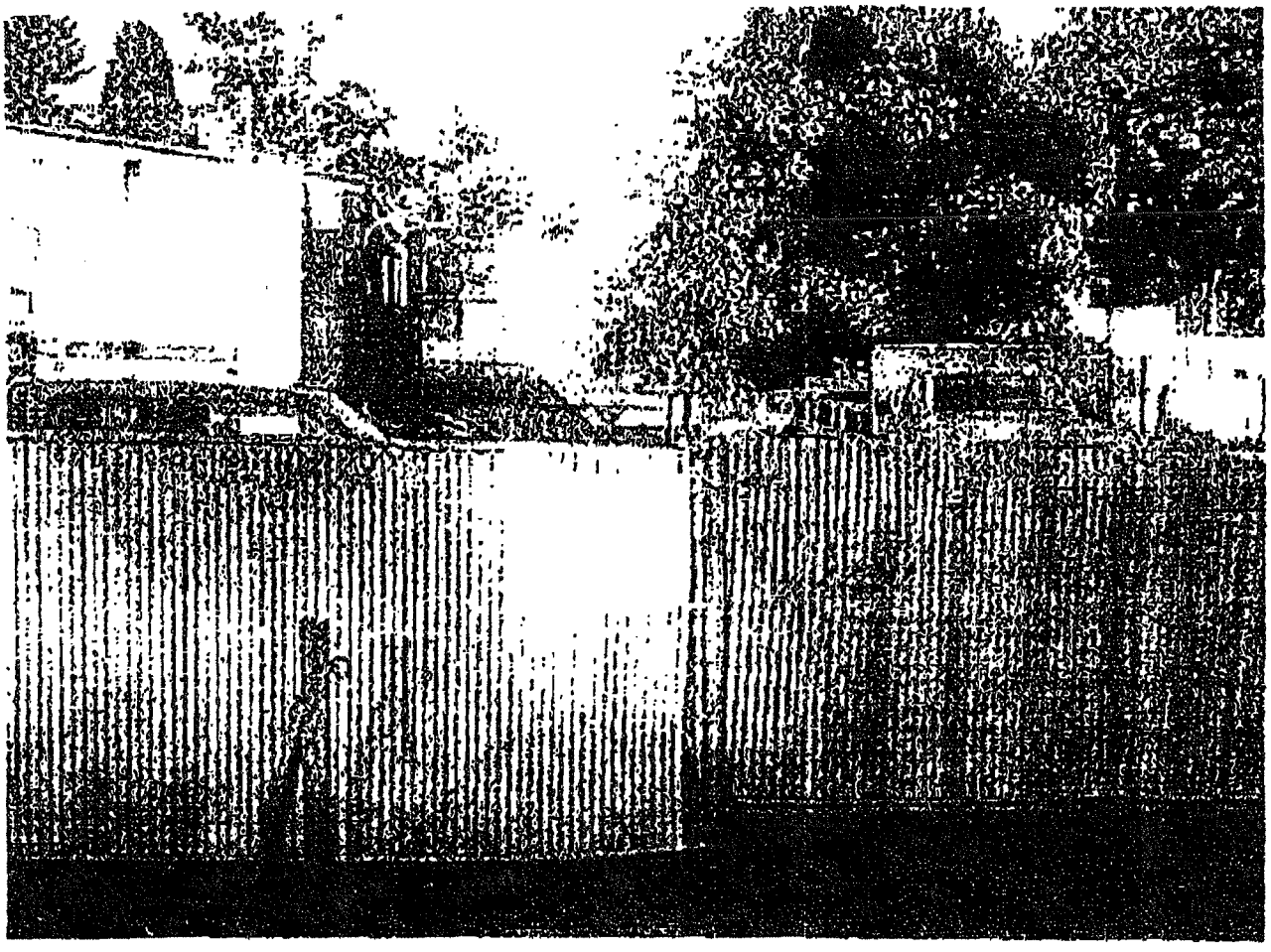
07/09/02



Pen Plaza Industrial Park

Fort Plaza Industrial Park



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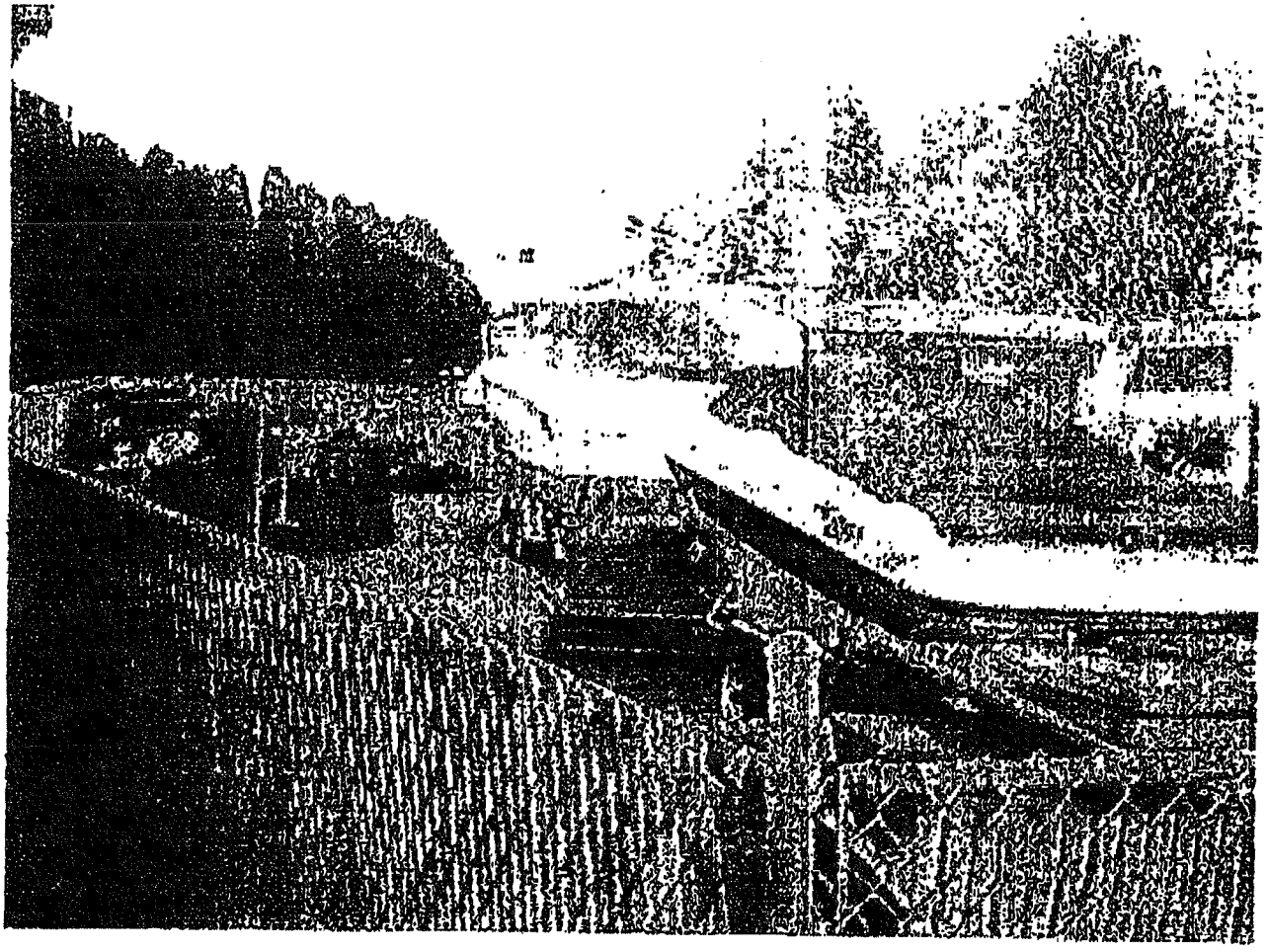

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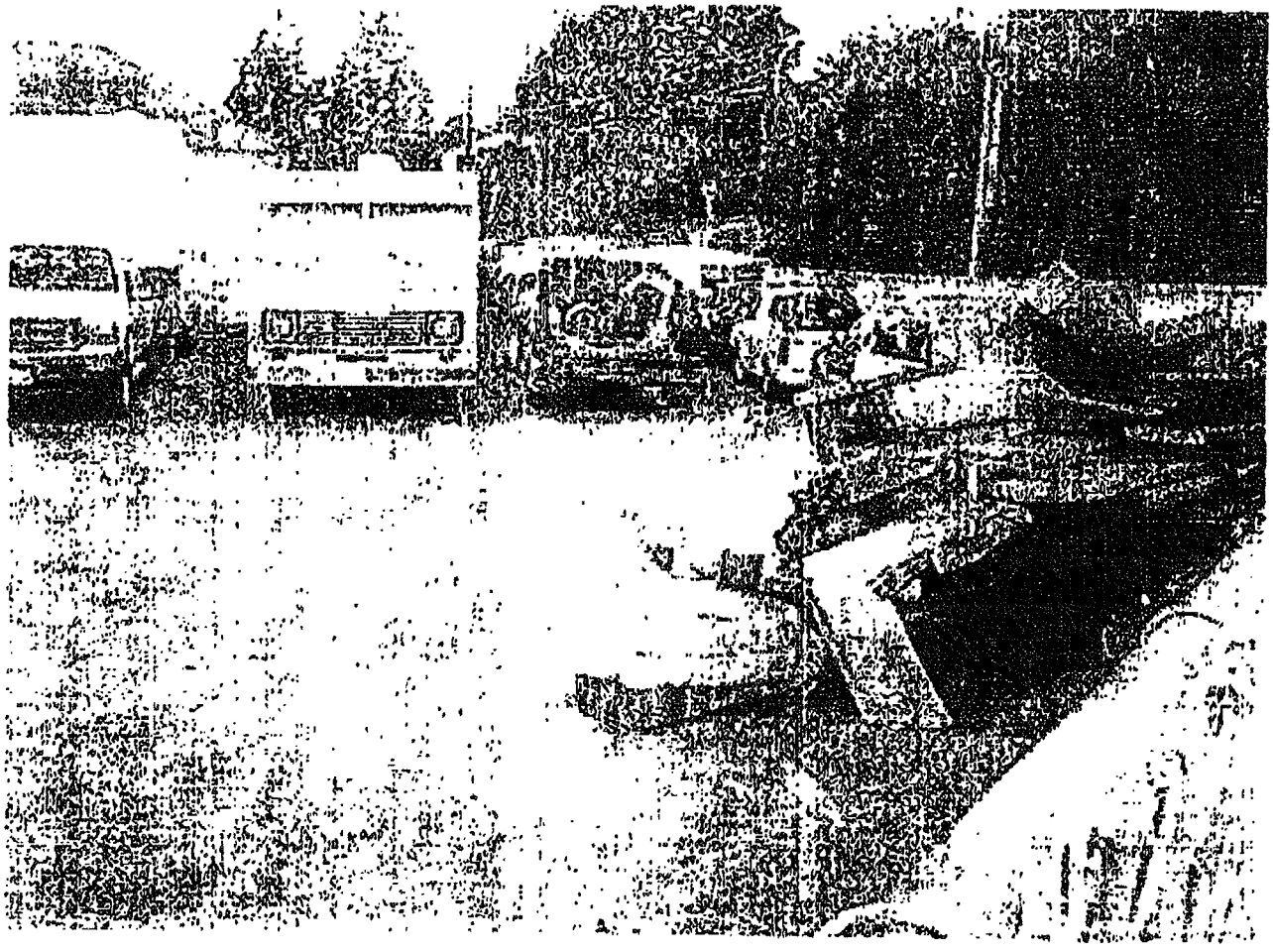

10/01/02

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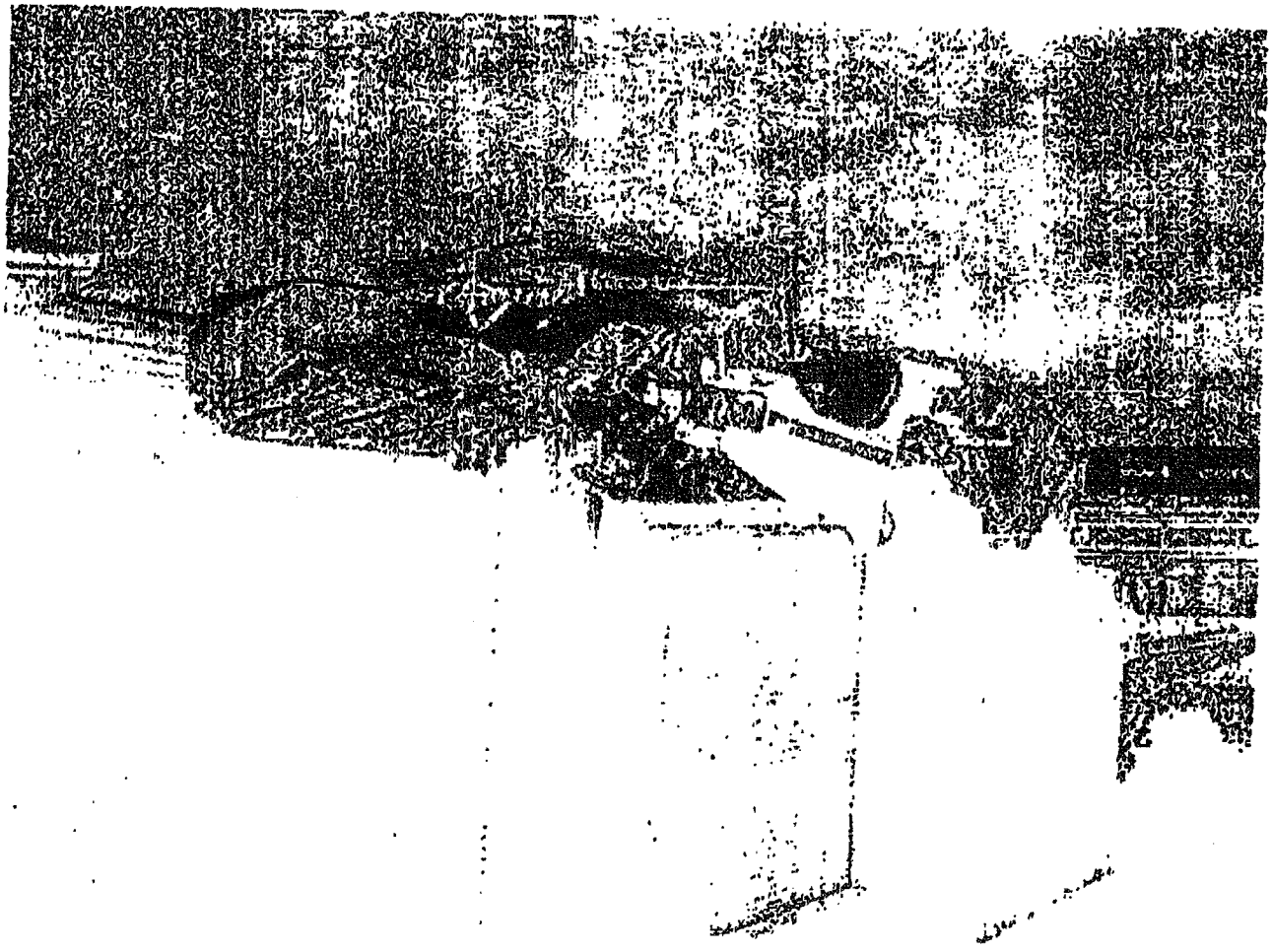
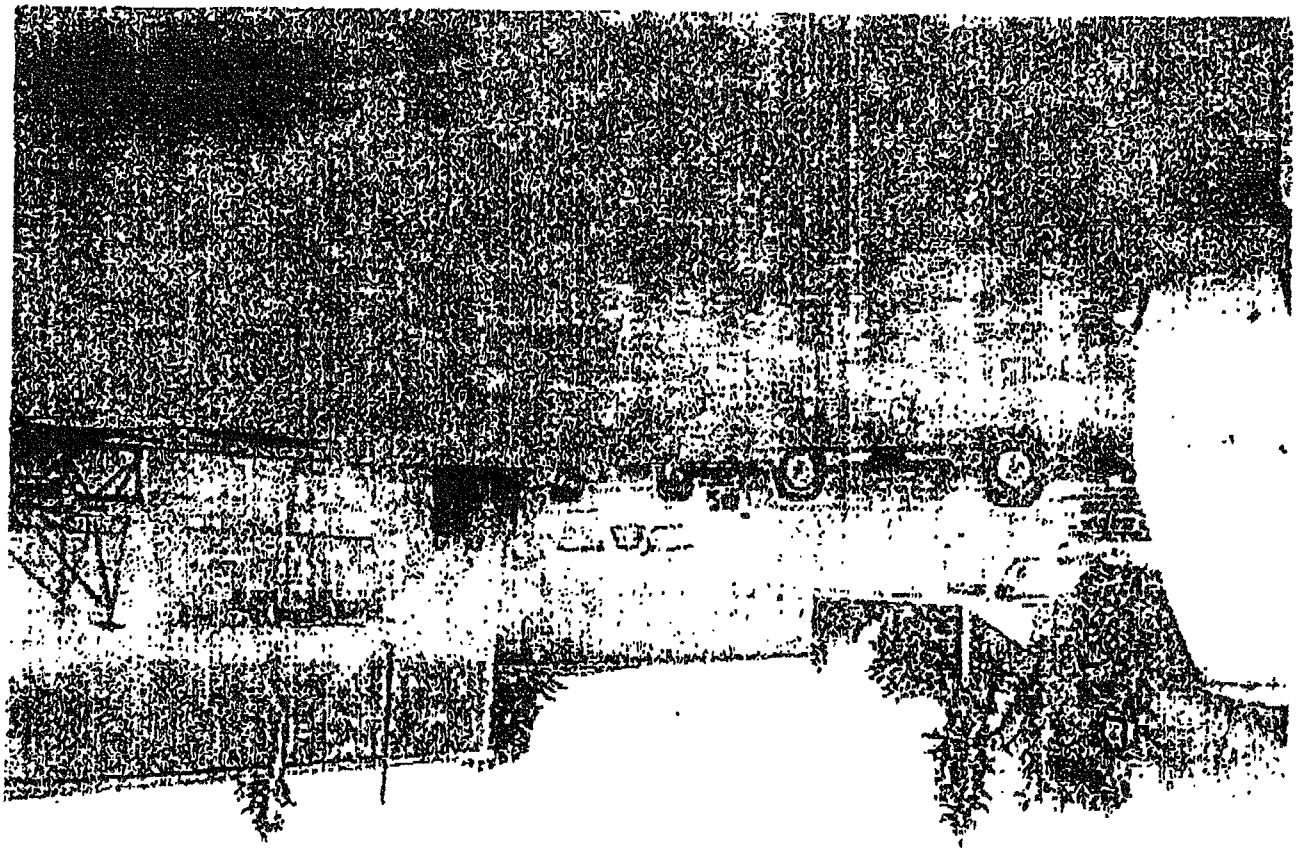
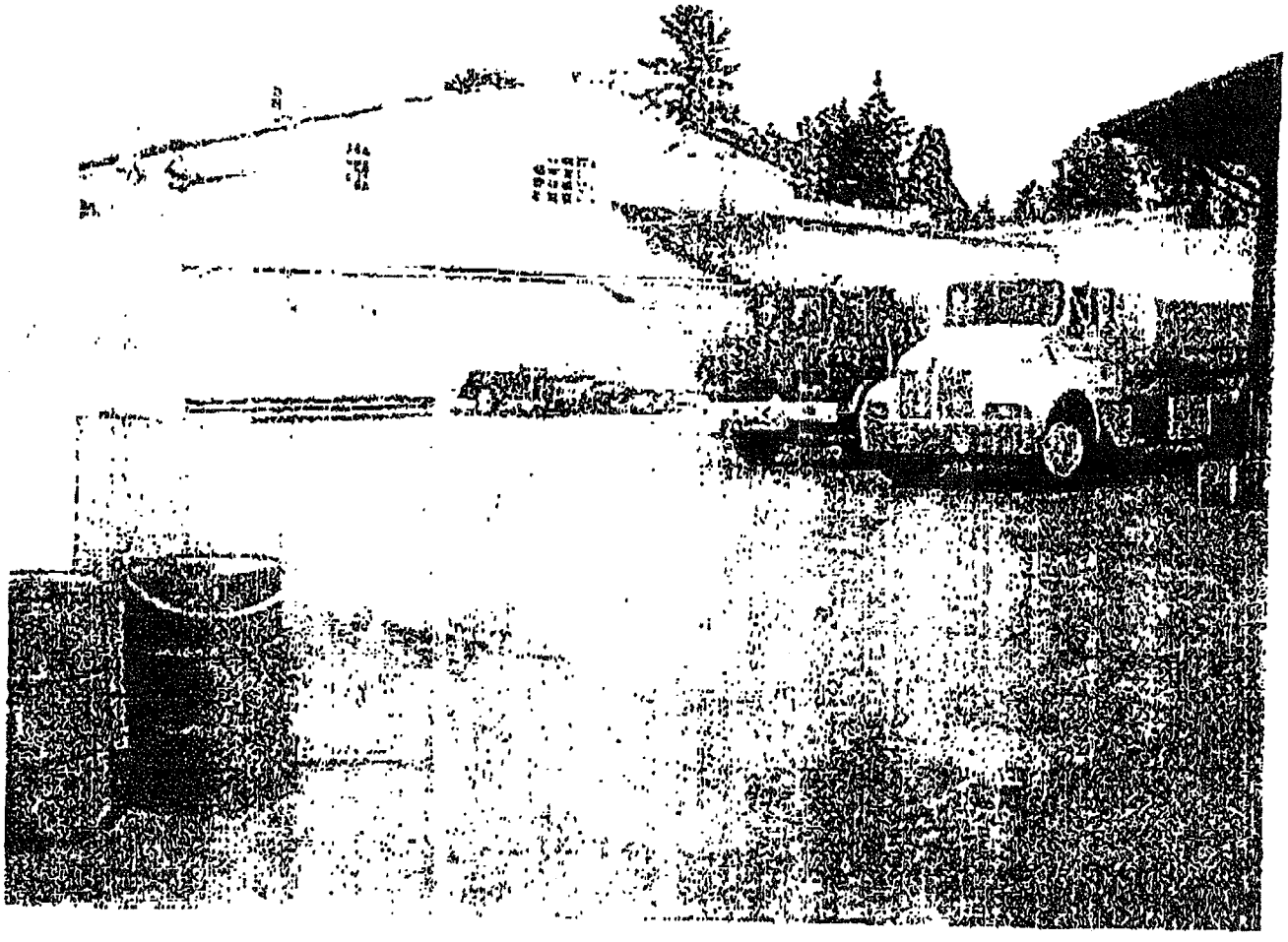


Penn Plaza



Penn Plaza

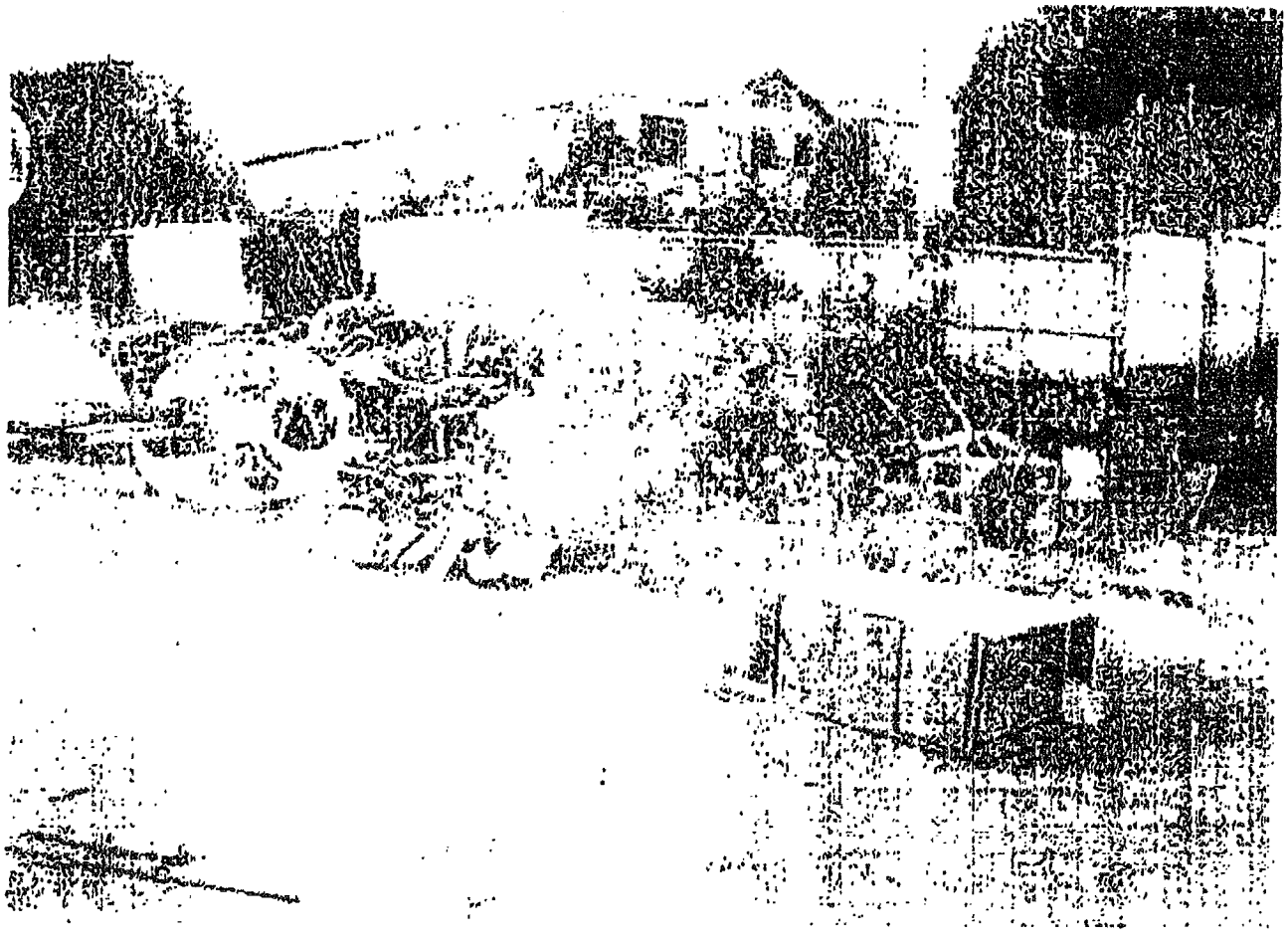
Penn Plaza



BREMERTON-006721

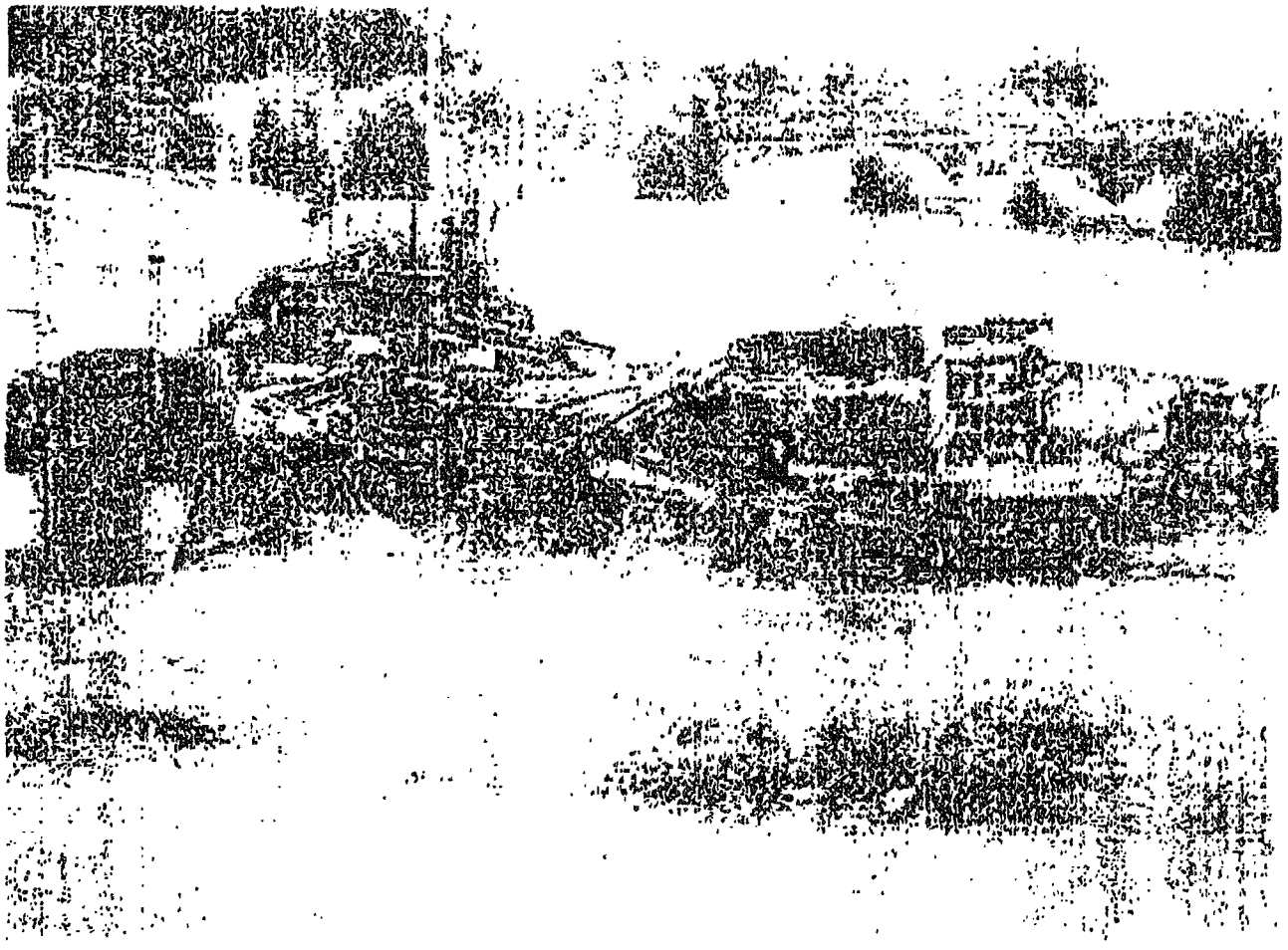
Penn Plaza , Aug-01-2002

Penn Plaza , Aug-01-2002



BREMERTON-006723

Penn Plaza , Aug-01-2002



BREMERTON-006724

NORDIC PROPERTIES
P. O. Box 84
Port Orchard, WA 98366

WILKINS DISTRIBUTING CO., INC.
P. O Box 84
Port Orchard, WA 98366
July 17, 1995

[illegible] of Bremerton

[illegible] the property at 1702 & 1704 Pennsylvania Ave. in Bremerton. The property has been a bulk plant for over [illegible] and it serves the entire area. Within the last [illegible] we discontinued receiving product by barge and [illegible] facility to Pacific Coast Energy (a wholly owned div[illegible] of the Union Oil Co.) When we put the dock in [illegible] with the U.S. Coast Guard and removed the fuel [illegible] Mr. William Sesko offered his assistance in lift[illegible] the pipes and valves from the dock to the upper leve[illegible] also at his own expense cleaned up the beach by [illegible] old broken culvert and old steel paper boxes that had been dumped over the bank at the end of Pennsylvania Ave.

[illegible] has improved the condition of the property by con[illegible] erosion and by being on the property citizens do [illegible] the bank as a dump any longer.

I would like to see the City work out an agreement with Mr. Sesko to maintain a marine industrial facility on the present site. There is no residential within the immediate area and it should remain an industrial area. There are approximately [illegible] people who are employed by the various bussinesses in the industrial area.

We are aware that certain regulations must exist but some compromise must also be incorporated in any agreement.

Please reconsider your order and work out a reasonable agreement with William Sesko.

Your [illegible]

[illegible]

[illegible] Jensen
Pres. [illegible]

Bob & Marva McWaid
Harbormasters
1805 Thompson Drive
Bremerton, Washington 98337
360-479-3037

December 11, 2000

TO WHOM IT MAY CONCERN

A couple of years ago someone from City Hall called and asked if we had any problem with William Sesko's equipment in the adjacent area. I told them "No" as he has it behind a fence.

Robert McWaid
Harbormaster

[illegible]

[illegible]

[illegible] (Concern)

[illegible] Leasho Property end of Pennsylvania Ave
[illegible] Operation

[illegible] located on Mr. S-ekm's property adjacent to our [illegible] operation does not interfere with our operations [illegible] subject lonable by Pacific Coast Energy Company.

Sincerely,

Dan A. Kmelleken
Area Manager

William [illegible]
3536 [illegible] Way
Brem[illegible]

July 17, 1995

Dear [illegible]

In answ[illegible] request for information about when the first use of your crane to lift boats [illegible] property. The first boat rental information we have, according to our records [illegible] of 1990.

Please let [illegible] you need additional information.

Sincerely,

[illegible]

Paul Mc[illegible]

BREMERTON-006729

PIER 44 CONSTRUCTION
1544 THOMPSON DRIVE
BREMERTON WA 98337
(360) 377-4444

May 26, 1995

Bill [illegible]
[illegible]
[illegible]

Dear Bill:

To our recollection, a crane has been used at the property on the end of the pier to launch floats since 1981. Crane offloading of barges was done many years before that and the facility has been commercial usage since before 1935.

Sincerely,

Robert [illegible]

[illegible] building [illegible] from the central [illegible] that [illegible] building [illegible] inspection process. [illegible] need to be [illegible] [illegible] government services, but we seldom hear about how much government [illegible] the blame for lack of services. Case in point: builders and developers in Bremerton.

These people who make the commitment to [illegible] the new or rehabilitated structures in the county and all cities, must go through a permitting and inspection process designed to assure they meet standards of safety, growth management, wetlands regulations, salmon stream setbacks, view protections and a lot more. For the most part, these regulations and guidelines are necessary and even desirable. They are administered by the city planning and building departments.

Unfortunately, over years the [illegible] building [illegible] and the Bremerton [illegible] inspectors.

Building [illegible] the personnel, personnel rules, and administrators in each jurisdiction.

I have no intention of naming names and pointing specific fingers here. My intention is to show that there is another side of the [illegible]. That is the side of the builder and/or developer who makes the commitment, takes the risks, borrows the money, makes the plans and then tries to build.

We have told this year of one Kitsap County builder who cost the city of Bremerton almost $[illegible] in fees, primarily for asking too many questions and asking for too much information. Maybe his demands were excessive. I don't know.

But let's turn this around for a [illegible] of Bremerton typically take three to four months. If a builder is making monthly payments on the total investment of $100,000 at, say, $800, plus a loan fee, and property taxes, it easily costs him $1,000 a month. Now, add the loan for building the house, say, $[illegible] a month payment. We're up to about $2,000 a month now. If you're Mr. Outracks, I suppose that may not seem like a problem. But, if you're in business, cash flow is important.

Since the city building department [illegible] does it take the three to four months to [illegible] the permit? [illegible] the permit [illegible] the list of things they are supposed to [illegible]

[illegible] Wilson [illegible] unwieldy amount of time it takes to get a permit and the constantly changing list of items and how they are to be applied.

[illegible] "it is [illegible] new" to [illegible] changing door down [illegible] the same objection to [illegible].

As I said, I wish this didn't have to be written. But it has been a long, long time that this has been a problem for these same builders. [illegible] needed. And needed now.

The stories [illegible] experiences the builder [illegible] unwieldy amount of time it takes to get a permit and the constantly changing list of items and how they are to be applied.

[illegible] "it is [illegible] new" to [illegible] changing door down [illegible] the same objection to [illegible].

As I said, I wish this didn't have to be written. But it has been a long, long time that this has been a problem for these same builders. [illegible] needed. And needed now.

BREMERTON-006730

Department of Community Development Memorandum

To: [illegible] James [illegible] City Attorney

From: [illegible] Director

Date: [illegible]

Subject: [illegible] proposed [illegible] Sesko properties - Arsenal Way and Pennsylvania Ave

Attached: [illegible] documents [illegible] at the same time. Please review and comment on them [illegible] the actions next Tuesday.

Sesko [illegible]

[illegible] and stored in several spots on both properties.

[illegible] failure to have an legal potable water hook-up

[illegible] seek an abatement order to remove the [illegible]

We will [illegible] who are both given us credible information on the value of the stored items and [illegible] will probably equal the cost of removing the items. If [illegible] exceeds the removal cost, we will seek a storage method and include [illegible] Sesko. If the value of the items does not exceed the value of the removal, the [illegible] that is against the property. I want our actions to very clearly lead to the primary [illegible] is to remove the items from the sites completely and quickly. What are my impediments?

[illegible] property, the "City" has penalty authority without going to court on a citation. I [illegible] I am the administrative authority for the Shoreline Plan.

[illegible] Cassidy and the Sundance Kid jumping off the cliff into the canyon river not [illegible] but knowing if they don't jump they will be shot?

CC: [illegible]

1. Director of Community Development Decision

   Decision of the Director of Community Development may be appealed to the Planning Commission.

2. Planning Commission Decision

   Decision of the Planning Commission may be appealed to the City Council.

3. City Council Decision

   The decision of the City Council may be appealed to the Shorelines Hearings Board, as provided in RCW 90.58.180.

E. REVISION OF PERMITS

When an applicant desires to revise a permit, the applicant must submit detailed plans and written description of the proposed changes. If the Director of Community Development determines that the revisions meet the criteria below, the Director may approve the revision. Criteria include:

1. No additional over-water construction is involved, except that pier, dock or float construction may be increased by five hundred (500) square feet or ten percent (10%), whichever is less;

2. Ground area coverage and height is not increased more than ten percent (10%);

3. Additional structures do not exceed a total of two hundred fifty (250) square feet;

4. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the Bremerton Shoreline Master Program;

5. Additional landscaping is consistent with conditions (if any) attached to the original permit;

6. The use authorized pursuant to the original permit is not changed;

7. The revision will not result in the obstruction of the view of a substantial number of residences or areas adjoining the shoreline; and

8. [illegible] requirement.

If the scope of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a Conditional Use or Variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-14-064).

INDUSTRIAL DEVELOPMENT

Applicability

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods.

Ports are public enterprises providing services and facilities for waterborne commerce, airborne commerce and industrial development depend on upon waterfront locations or attracted to a port because of the variety of available transportation. Ports are a specialized subcategory of general industrial uses.

Ports are centers for water-borne traffic and, as such, have become destination points for industrial and manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attached to port areas because of the variety of transportation. (Community and public docks for small boats are not considered port facilities.)

Goal

Encourage the development of ports and industrial areas that are water-related or water-dependent where they will have a minimal adverse impact on established uses.

Policies

1. **Public Access:** Require new industrial development to provide physical and/or visual access to shorelines and visual access to facilities whenever possible and where such access does not cause significant interference with operations or hazards to life and property.

2. Cooperative use of common port facilities is encouraged along industrial areas.

3. Uses on the shoreline should be water-dependent or-related.

4. Land transportation and utility corridors, service ports, and water-related uses should follow the provisions of the Utilities and Road and Railway sections of the Master Program. Where feasible, transportation and utility corridors should be located inland to reduce pressure for the use of waterfront sites.

5. Design and operate new ports and industry on the shoreline to minimize adverse visual and environmental impact.

6. The Port of Bremerton is encouraged to coordinate the cooperative and multiple use of port and industrial facilities along the shoreline.

HP OfficeJet K Series K60
Personal Printer/Fax/Copier/Scanner

Log for
Station 3
4155463
Nov 07 2002 5:18pm

Last Transaction

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TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 3 of 3)

KEY	REQUIREMENT
P	Use/Activity is permitted in the Environment, subject to regulatory controls in appropriate Use/Activity section.
CU	Use/Activity is permitted in the Environment, subject to obtaining a Shorelines Conditional Use Permit (CUP).
X	Use/Activity is prohibited in the Environment.
A	As applicable.
NA	Use/Activity is not applicable to the Environment.
1	See Commercial Development Policies and Regulations for list of specific commercial uses permitted (Chapter 4).
2	Permitted for "public" purposes only.
3	Permitted for water-dependent and public uses only.
4	Permitted for water-dependent and water-related uses only.
5	Permitted for water-dependent uses only.
6	Does not include residential uses in marinas.
7	See Environment-Specific Regulations (Chapter 3).
8	See General Requirements (Chapter 4).

TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 2 of 3)

	ENVIRONMENT DESIGNATION								
SHORELINE USE/ACTIVITY	CONSERVANCY	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	DOWNTOWN WTRFRNT/UPLAND	DOWNTOWN WTRFRNT/MARINE	KITSAP LAKE	KITSAP LAKE WETLANDS	TRACYTON BEACH
RESIDENTIAL: - Waterward of OHWM[6]	X	X	X	X	X	X	X	X	X
ROADS, RAILWAYS AND BRIDGES	CU	CU	P	P	P	P	CU	CU	CU
SOLID WASTE DISPOSAL	X	X	X	X	X	X	X	X	X
UTILITIES	CU	P	P	P	P	P	CU	CU	CU
WATER ACCESS AND MOORAGE: - Boat Launch Ramps	CU	CU	P	P	P	P	CU	X	CU
- Marine Railways	CU	CU	CU	P	P	P	CU	X	CU
- Mooring Buoys	P	P	P	P	NA	P	P	NA	P
- Piers & Docks	CU	P	P	P	P	P	CU	CU	CU
- Recreational Floats	CU	P	P	P	NA	P	CU	NA	P
SHORE MODIFICATION									
BEACH ENHANCEMENT	CU	CU	CU	CU	CU	CU	CU	CU	CU
BREAKWATERS, JETTIES, ROCK WEIRS, GROINS	CU	CU	CU	CU	NA	CU	X	NA	X
BULKHEADS, SEAWALLS	CU	P	P	P	P	P	CU	X	CU
CLEARING	CU	P	P	P	P	NA	NA	CU	NA
DREDGING	CU[2]	CU	CU	CU	NA	P	CU	X	CU
GRADING & DRAINAGE	P	P	P	P	P	NA	NA	CU	CU
FLOOD MANAGEMENT	S	S	S	S	S	S	S	S	S
LANDFILL: - Landward of OHWM	CU	P	P	P	P	NA	NA	X	NA
- Waterward of OHWM	X	CU[3]	CU[3]	CU[3]	NA	CU[3]	CU[3]	X	X
REVETMENTS	CU	P	P	P	P	P	CU	CU	CU

P = PERMITTED - X = PROHIBITED - A = AS APPLICABLE - NA = NOT APPLICABLE
CUP = PERMITTED SUBJECT TO OBTAINING SHORELINE CONDITIONAL USE PERMIT (CUP)

TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 1 of 3)

SHORELINE USE/ACTIVITY	ENVIRONMENT DESIGNATION								
	CONSERVANCY	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	DOWNTOWN WTRFRNT/UPLAND	DOWNTOWN WTRFRNT/MARINE	KITSAP LAKE	KITSAP LAKE WETLANDS	TRACYTON BEACH
ENVIRONMENT-SPECIFIC			A[7]		A[7]	A[7]			
GENERAL									
ARCHEOLOGICAL AND HISTORIC RESOURCES	CU	P	P	P	P	P	P	CU	CU
MARINE BLUFF REVIEW	A[8]	A[8]	A[8]	A[8]	A[8]	NA	A[8]	NA	A[8]
PUBLIC ACCESS	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]
SIGNS: - On Premises	P	P	P	P	P	P	X	CU	CU
- Off Premises (outdoor advertising)	X	X	X	X	X	X	X	X	X
VIEW PROTECTION	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]
SHORELINE USES									
AGRICULTURE	CU	P	X	CU	X	NA	NA	CU	NA
AQUACULTURE	CU	CU	CU	CU	CU	CU	CU	NA	CU
COMMERCIAL: - Landward of OHWM	X	X	P[1]	P[1]	P[1]	NA	NA	X	X
- Waterward of OHWM	X	X	X	X	NA	CU[1]	X	X	X
FOREST PRACTICES	P	P	P	P	NA	NA	NA	CU	NA
INDUSTRIAL: - Landward of OHWM	X	X	CU[4]	P[4]	P[4]	NA	NA	X	NA
- Waterward of OHWM	X	X	CU[5]	CU[5]	NA	CU[5]	X	X	X
MARINAS	X	CU	P	P	P	P	CU	X	CU
MINING	X	X	CU	CU	X	X	X	X	X
RECREATIONAL	CU	P	P	P	P	P	P	CU	CU
RESIDENTIAL: - Landward of OHWM	X	P	P	P	P	NA	NA	X	NA

P = PERMITTED • X = PROHIBITED • A = AS APPLICABLE • NA = NOT APPLICABLE
CUP = PERMITTED SUBJECT TO OBTAINING SHORELINE CONDITIONAL USE PERMIT (CUP)

E. SHORELINE USES AND ACTIVITIES

The Master Program regulates specific categories of uses and activities within the shoreline. These Use/Activity categories consist of specific uses or groups of similar uses which are characteristic of shoreline development.

The Policies and Regulations developed for each Use/Activity category are intended to serve as the primary set of criteria for evaluating proposals for developments within the shoreline environment. All permitted uses and activities in the shoreline are subject to the special conditions and general regulations applicable to those uses.

The following tables and figures outline Master Program requirements for specified Use/Activities in various Environment and Natural Systems designations. These tables and figures are intended to supplement the Use/Activity requirements in subsequent chapters. Environment-specific Regulations further control uses permitted in the Urban Commercial and Downtown Waterfront environment designations.

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Shoreline uses and activities not specifically identified, for which policies and regulations have not been developed, will be evaluated on a case by case basis and will be required to satisfy the goals and general development policies of the Master Program and the policy of the Shoreline Management Act. In addition, unidentified uses shall be consistent with the management policy and character of the shoreline environment in which they propose to locate, and shall require a Conditional Use Permit.

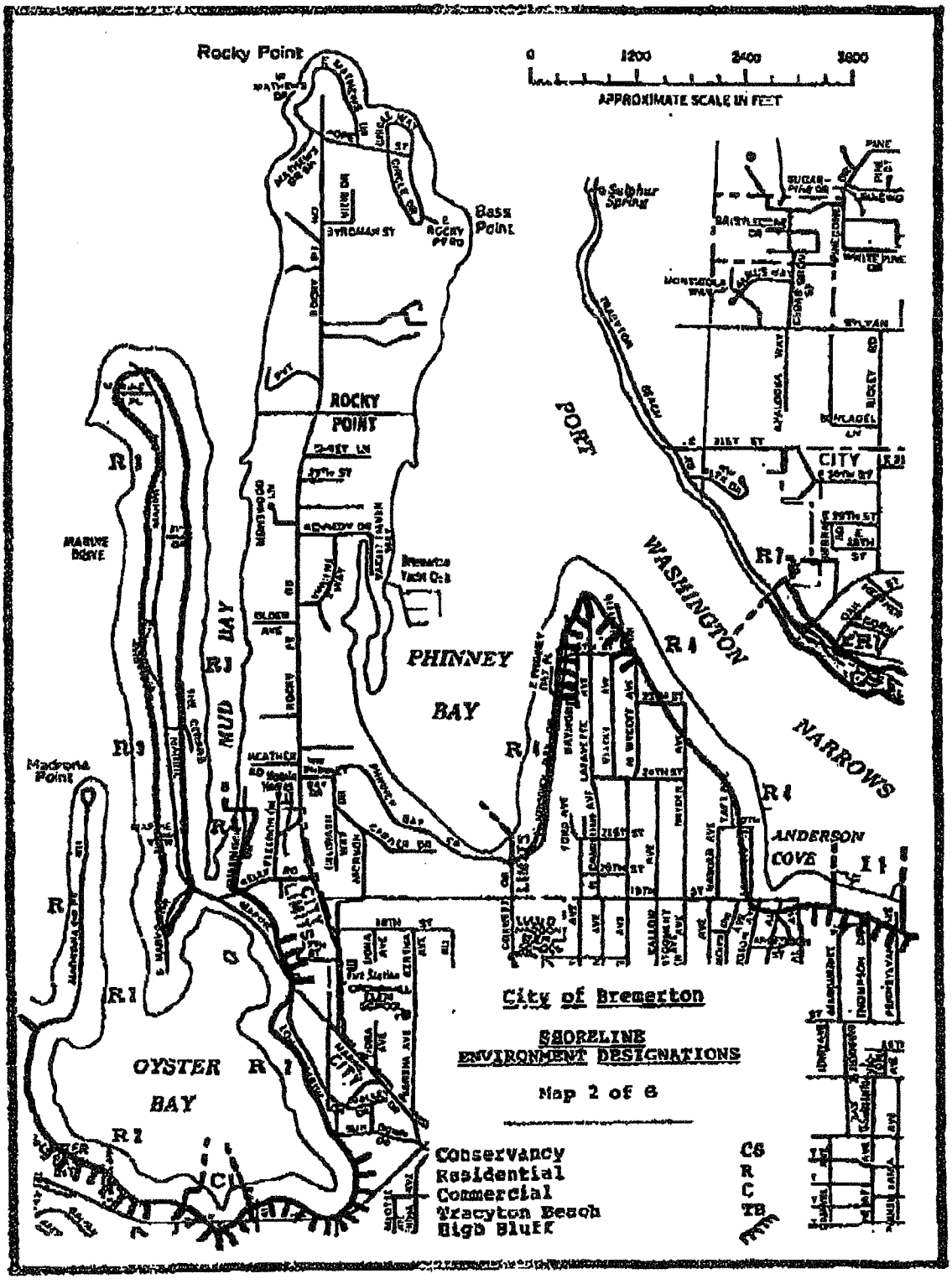
Shoreline Use/Activity Summary

Table 3-1 Shoreline Use/Activity Matrix

The Shoreline Use/Activity Matrix on the following pages is presented as a summary of Master Program use/activity goals, policies and regulations. The matrix specifies environment designations where Use/Activities are permitted (P), permitted as a Conditional Use (CU), or prohibited altogether (X).

The matrix lists the topics of various Master Program use/activity policies and regulations contained in subsequent chapters. Therefore the matrix can be used as a checklist of provisions likely to apply to a project.

FIGURE 3-1 SHORELINE ENVIRONMENT DESIGNATIONS MAP (MAP 2 OF 6)



C-4 Manette -- Extends southeast of the Manette Bridge Landing to the intersection of Eleventh Street and Pitt Avenue, including a small area northeast of Shore Drive, on the northeast shore of the Port Washington Narrows.

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DW/U Downtown Waterfront/Upland -- The area landward from the OHWM. It is intended to be a mixed use district that includes areas designated Ferry Terminal, Commercial/Residential/Tourist, and Pathway-Park by the *Downtown Waterfront Urban Renewal Plan.*

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I-1 Thompson Avenue -- Extends east from Marguerite Avenue extended northward before it turns east to Pennsylvania Avenue extended northward, along the south shore of the Port Washington Narrows.

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BREMERTON 006740

Exhibit 4

SHORELINE MASTER PROGRAM

City of Bremerton, Washington

Mr. William W. Sesse
February 11, 1997
Page 2

<u>You have no right of appeal to the Cease and Desist order which was upheld by the Planning Commission.</u>

If you have not already vacated the site, you are hereby ordered to vacate the entire premises with 14 days of receipt of the Notice to Vacate. Any person occupying the premises in violation of said notice without authorization of the Director of Community Development shall be guilty of a gross misdemeanor punishable by a fine of not more than $5,000 or 180 days in jail, or both. Each day shall constitute a separate offense. If you have not already vacated the premises and are not required to do so by other actions on the property, I will consider giving you authorization to occupy the residence at the site provided.

1. 20 vehicles are removed within the 10 working day notice to vacate period.

2. You agree to provide receipts from recipients who are legally established to receive the equipment, vehicles and other materials illegally stored at your property.

The City will visit your property daily to determine progress on the compliance and to record violations such as failure to vacate as directed.

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1. A citation will be issued for each day a violation occurs.

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Donald L. Pratt
Director
Department of Community Development

Exhibit 3

RECEIVED
FEB 25 ...
BREMERTON
BUILDING DEPARTMENT

CITY OF BREMERTON
APPEAL OF ADMINISTRATIVE DECISION

APPEAL OF: WILLIAM J. SESKO Appellant
(Your Name)

[illegible] APPLEWOOD WAY
(Your Mailing Address)

[illegible]
(Telephone Number)

ITEM BEING APPEALED: LETTER OF [illegible] & APPLEWOOD WAY [illegible] [illegible] AND NOTICE TO VACATE [illegible] FEB 14, 02

Please provide a brief statement regarding your legal interest in the action being appealed. Use additional pages if necessary.

OWNER OF [illegible] PROPERTIES.

Please provide a brief statement of the specific order or action protested, together with material facts claimed to support your contentions. Use additional pages if necessary.

ACTION TAKEN IS NOT LEGAL

Please provide a brief statement of the relief sought and the reasons why the Administrative Decision action should be reversed, modified or otherwise set aside. Use additional pages if necessary. REVERSE AND SET ASIDE THIS ACTION

DATE: [illegible]

William J. Sesko
Appellant's Signature

FEE: $37.00 (Due with Letter of Appeal)

Appeals will be scheduled to be heard before the Bremerton Planning Commission as soon as possible, allowing for adequate preparation and notice. You will receive written notification of the Commission hearing date mailed to your address given above. The Planning Commission decision is the final legislative decision.

Exhibit 3

11-07-02 04:04PM FROM- T-323 P.008/045 F-837

COPY

Exhibit 1

Saturday, September 21, 2002 ⊕ Bremerton Patriot

Ecology review raises red flag

Bremerton logs 11 polluted sites.

By KELLY EVERETT
Staff writer

In a recent biennial Hazardous Sites List from the state's Department of Ecology, Kitsap County surveyed 35 sites.

Bremerton had problems.

Kitsap County had about the average number of sites per county in the state, ranging in seriousness from "1" to "5" — with "1" being the worst.

Bremerton has 11 such sites — ranging across the scale: Brem-Air Disposal, 1; Chevron Tank Farm on Port Washington Narrows, 2; Constitutional Avenue Landfill, 5; the Dotto property, 1; Evergreen Park, 5; Head of Bay, 4; Lamberts Radiator Shop, 1; Lofthus Bulk Plant, 1; old Bremerton gas works and Sesko property, 1; Pederson Oil site, 4; Vocksrodt Dump, 4.

"Old auto-mechanic shops with a little oil spilled on the ground out back are typical of a 5 ranking," said Norm Peck, a state ecology engineer. "A leaky heating oil tank at a home is a 5. Dry cleaners with larger spills or amounts of dry cleaning fluids are typical of a 4 ranking. They're a little problematical because the fluids are carcinogenic. Landfills are usually 2 or 3, sometimes 1."

"Worst sites, with a ranking of 1, are historically large industrial sites," he said. "Kitsap doesn't have a lot of these."

He said Subase Bangor and the Naval Undersea Warfare Center at Keyport fall under the jurisdiction of the federal Superfund, and are not ranked by the state. Many Navy and DoD facilities fall under the aegis of the Superfund clean-up act — which is running out of funds since it was not reauthorized by Congress in 1999 and 2000.

"The federal standards are less stringent than ours," said Peck.

Port Orchard has 13 sites; Bainbridge Island, 2; Poulsbo, 0; Silverdale, 2.

The ranking system tells Ecology which site needs cleaning up the most. Hazardous materials include oil, gasoline, heavy metals, wood preservatives, pesticides and cleaning solvents, among other things. Asbestos monitoring and clean-up is regulated differently and is under the aegis of state Labor and Industries department, he said.

BREMERTON-006745

City go out of your order to sold our property for $45,000, crushed our office, took our logs, antique car etc and left all the problem behind. They allow other tenant to keep their vehicle and boats in the PennPlaza except us. City violated our constitution right.

Dated this 7th of November, 2002

Natacha Sesko

BREMERTON-006746

legal owner does not support the appeal. Sesko's appeal denied because we are neither property owner nor lessor.

(Attached the letter from Mr. James Swanson.)

All the tenant s that owned the items on the property list can keep their boat, truck machinery and everything else inside the Penn Plaza storage yard. but Sesko's, Sesko is not allow to keep any object in his own

On February 7 2002, The Court of Appeal granted the appeal of the November 2, 16 and 30 order. The City of Bremerton called the contractor off the Pennsylvania Avenue property few days later.

Argument

Sesko have never refused to clean up their property. After Court of Appeal order, Sesko get rid of all the items that he believe is junk. Only keep the items that for business use under the Business Park and Urban Industrial Zone.

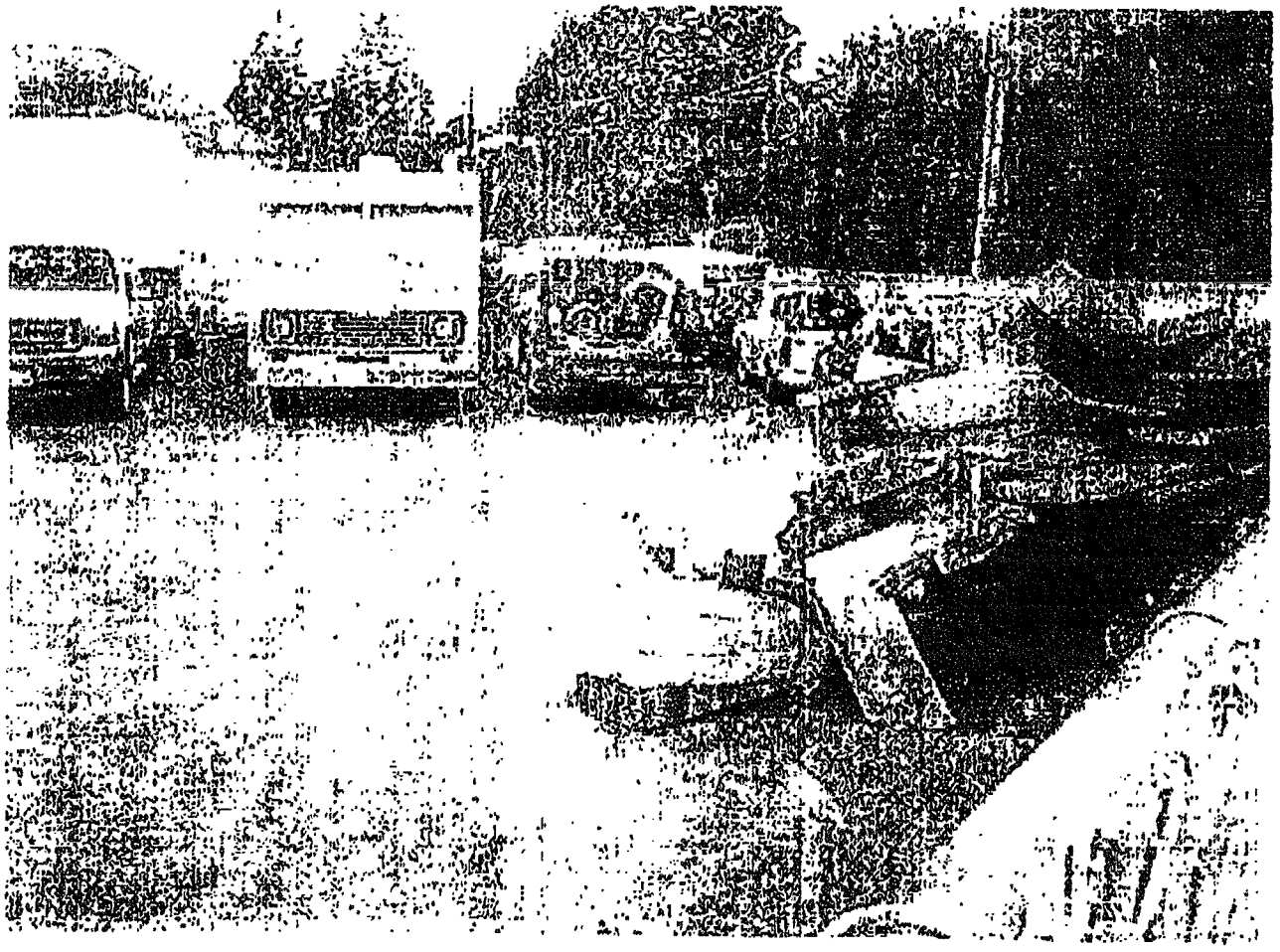
Majority of the products are belong to other tenants whom are Paul McConkey's client.

May 18, 1998 judgement did not order City to sell or crush our property. City go out of your order crushed our office, took our logs, antique car even left all the problem behind and not taking care of it.

We only move back three items that City did not destroy the first time, all the rest items that City claim we brought it back was also incorrect.

Conclution

. We did not violate any of the zoning law nor violate the court of appeal order. The items we have in the property is not junk they all fit into the Zoning Code. We stored over forty vehicles in Gorst and 100 plus in Belfare, we only kept items to use to develop new type products or to clean up the contaminated soil at Pennsylvania Avenue.



10/01/02

Fern Plaza Industrial Park

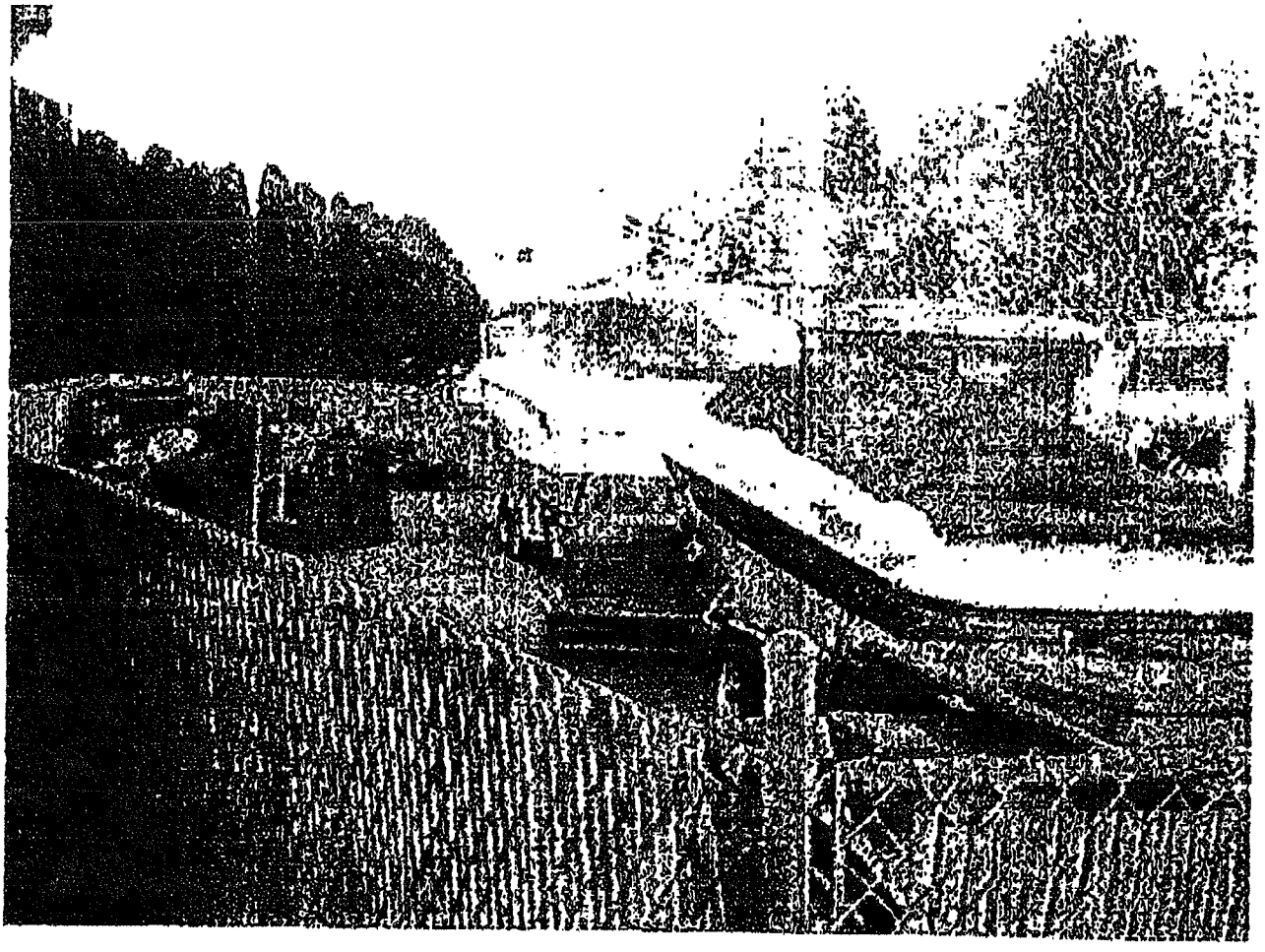


Image04.jpg

COPY

RECEIVED FOR FILING
KITSAP COUNTY CLERK
NOV - 7 2002
DAVID W. PETERSON

HONORABLE JUDGE JAY B. ROOF
Hearing Date: November 8, 2002
Hearing Time: 1:30 p.m.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

CITY OF BREMERTON, a municipal corporation, Plaintiff, vs. WILLIAM J. SESKO and NATACHA SESKO, husband and wife, and their marital community, Defendants	Case No.: No. 97-2-01749-3 DEFENDANTS RESPONSE TO PLAINTIFF MOTION TO CLARIFY JUDGMENT OF May 8, 1998

COMES NOW, the Defendants named above, William J. Sesko and Natacha Sesko, Husband and wife, and their marital community and respectfully requests the court to clarify the judgment entered on May 8, 1998 and not allow the City and its contractors to enter the defendants' property again located at 1701 Pennsylvania Avenue, Bremerton, Washington to crushed and destroy and remove the items from the Seskos' Pennsylvania Avenue. waterfront Property.

STATEMENT OF FACTS.

The Pennsylvania Avenue Property is located in City of Bremerton as listed one of the number one hazardous sites from the State's Department of Ecology, this property combine with the Penn Plaza self storage yard used to be the Bremerton old gas facility and City of Bremerton Dump site. (Exhibit-1 A newspaper clipping)

Property Zoned Business Park and City of Bremerton "Shoreline master program" Page 3-7 clearly stated it is zoned Urban Industrial

It's ½ acres about 1/20 of the entire Penn Plaza Storage Yard. (Exhibit –2 location map)

June 13, 97 City filed a nuisance action against Sesko without following the proper appeal procedure. (Exhibit 3- Don Pratt 2/11/97 letter)

On February 11th 97. The director of Community Development said we have no right of appeal to the Cease and Desist order which was upheld by the planning Commission and must vacate our property in 14 days. His statement totally violated RCW 90.58.180.) (The Shoreline Master Program Administration and Enforcement one page 7-7 line 1-3.)

On May 8, 1998 this court entered a judgment determining that the Defendant's property is a nuisance per se and granted City of Bremerton to a mandatory injunction requiring the abatement of the nuisance on the Property located at 1701 Pennsylvania Avenue.

Sesko appealed the Judgment to the Court of Appeals on June 25th 1998, where the case was consolidated with Arsenal Property on June 13th 1999.

On February 25, 2000 Court of appeal published opinion and clearly stated "**The orders of injunctive relief do not prevent uses for Business purposes. They only require the removal of Junk on the sites.**"

Sesko followed the Shoreline Master Program Shoreline use/Activity matrix table keep the items that allows on the property. Which are: Archeological and historic resources, Signs: on premises. Marina, Recreational, Residential Roads, Railways and Bridges, Utilities, Water Access and Moorage: Boat launch Ramps, Marine Railways, Mooring Buoys, piers & Docks, Recreational floats. Bulkheads, Seawalls, Clearing, Grading & Drainage, last and lest Revetments are also permitted.

(Attached Exhibit –4-1 including description of the zone, Page 3-13 map of the location. page"3-19 to 3-22" SMP Activity tale).

Under Bremerton Municipal Code Chapter 21.02 Zoning Code Business Park uses allowed heating, plumbing, A/C Equipment & Services, Electrical Supplies and Services, Paint, Glass, Interior Decoration (Carpet, Drapes), Electrical & electronics Products Mfg., Mini-warehousing (small-unit storage). Research and Development and Testing Services, Professional /Scientific Instrument Manufactures Textile Products Manufactures. And Recycling Collection Station. **(Attached 5.–Bremerton Municipal Code 21.02)**

Sesko's repeatedly request City of Bremerton to give clear guidance and

BREMERTON-006751

corporation. The result as City Council stated the whole case is in the court, it is not a matter for the City Council. Another words they are not interested in working anything with us.**(Attached 6. City Council Coral Arends's letter)**

On June 19th 2001 The City of Bremerton declared all our vehicles as junk vehicles including one of our customer Darrell Hatta his ten vehicles, we suggested he park them on property that we were renting from Paul McConkey (Penn Plaza storage yard) on Thompson Drive around early 1985 **(Attached 7–Letter from Mr. Darrell Hatta.)**

On September 21,2001 letter Ms. Jane Koler stated City of Bremerton hired Parametrix to draft the contract for the abatement action. And the estimate the abatement action on Pennsylvania property will cost between $115,000 to $160,000.
In stead of working with Sesko to defined what is junk what is not junk, City refused to talk with Sesko and sold Sesko's all the business products on both pieces properties for only $45.000 to Buckley Recycling Inc and accepted the Buckley Recycling $158,000 job bid for $158,000. (Jane Koler October 26, 2001 letter.).

The list of the Inventory in Sesko Pennsylvania Avenue that City of Bremerton conducted on 29 May 2001 was incorrect. (Exhibit-8) Pennsylvania Avenue property is very small less than ½ acres pieces land half of them in the strip with 45 degree down to the water can not park more than eight vehicles on the upper land. The list of Cars, Minvans, SUV's, Pickups. Heavy Equipment and other Equipment/items are total sixty five items. Are located on Thompson Drive own by Paul McConkey's (PennPlaza storage) his tenants. City can not defined which items belong to Sesko which items are not. They just list everything as Sesko's inventory and sold to Buckley Recycle.

None of the order listed on May 18, 1998 ordered the City of Bremerton to sell Sesko's property that stored in Pennsylvania Avenue, the court only issue the City the authorization of necessary permits to remove it.

December 3rd 2001, Sesko filed the appeal on November 2, 2001, November 16, 2001, and November 30, 2001 orders to the court of appeal.

BREMERTON-006752

Letter dated on December 6, 2001 letter Ms Janet Lunceford stated that she is aware the appeal and will still enter the Arsenal Property to commence the abatement.

On December 17, 2001 City commencing the abatement, they never finished the cleaning process left all the debris of steel metal, buckets of oil, grease on the open ground, plastic fiber, broken glasses, partial contaminated air conditioners parts all over the yard, also crushed my storage cabin left all the paints in the front of dance hall.

On January 23rd, 2002 the contractor entered the Pennsylvania Avenue property They crushed our modular office building, one bus, hauled away our antique truck, hydraulic picker. Crushed some of the concrete floats, cut up our logs and hauled it away, , the contract said they have the permission from Ms. Lunceford to haul all the steel, iron, aluminum, brass material to dump inside our Arsenal way property for later delivery, they dumped two more loads on January 30th, 2002 and hauled it away two weeks later. (Attached Photograph –Contractor action caught on photo.)

Again On May 18, 1998 Judgment, Court did not ordered the City of Bremerton to allowed the contractor to crush or destroy any of Sesko's property.
During the courses of abatement Sesko did moved three items to from Pennsylvania Avenue to Penn Plaza storage yard to prevent the contractors to crushed it.

After the City caused Paul McConkey to evict us from his property we only moved back a few items that we are using it or refirbishing. 10x10 with mounted crane 50"s, International single axle cabover, no bed 60's and GMC single axle cargo 70's for business use, it is allowed to be used in the business zone.
(Attached -pictures of items City listed as our inventory needs to be removed belong to the Penn Plaza self storage yard other tenant, is allowed to stay after Paul McConkey evict the Seskos from the Penn Plaza Thompson Drive)

On February 8th, 2002, City of Bremerton posted a Cease and Desist Order on Paul & Margaret McConkey property located at end of the Thompson Avenue. (Attached the cease and desist order)

We filed an appeal to City of Bremerton request justification. On March 1,2002, James Swanson sign his name for Chris Hugo, stated that City of Bremerton is refund the $132 appeal fee, and our lease of the property will terminate on April 1, 2002, and the

legal owner does not support the appeal. Sesko's appeal denied because we are neither property owner nor lessor.

(Attached the letter from Mr. James Swanson.

All the tenant s that owned the items on the property list can keep their boat, truck machinery and everything else inside the Penn Plaza storage yard. but Sesko's, Sesko is not allow to keep any object in his own

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Dated this 7th of November, 2002

Natacha Sesko

BREMERTON-006755

11-07-02 03:52PM FROM- T-323 P.008/030 F-838

COPY

Exhibit 1

Saturday, September 21, 2002 ⊕ Bremerton Patriot

Ecology review raises red flag

Bremerton logs 11 polluted sites.

By KELLY EVERETT
Staff writer

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BREMERTON-006756

Exhibit 3

RECEIVED
FEB 25 [illegible]
BREMERTON
BUILDING DEPARTMENT

CITY OF BREMERTON
APPEAL OF ADMINISTRATIVE DECISION

APPEAL OF: WILLIAM J. SESKO Appellant
(Your Name)

[illegible] APPLEGATE WAY
(Your Mailing Address)

[illegible]-0597
(Telephone Number)

ITEM BEING APPEALED: LETTER OF FEB AND [illegible] DATED FEB 12 97

Please provide a brief statement regarding your legal interest in the action being appealed. Use additional pages if necessary.

[illegible] ONLY THE PROPERTIES.

Please provide a brief statement of the specific order or action protested, together with material facts claimed to support your contentions. Use additional pages if necessary.

[illegible] IS NOT [illegible]

Please provide a brief statement of the relief sought and the reasons why the Administrative Decision action should be reversed, modified or otherwise set aside. Use additional pages if necessary. [illegible] SET ASIDE THIS ACTION

DATE: [illegible] 97

William J. Sesko
Appellant's Signature

FEE: $37.[illegible] (Due with Letter of Appeal)

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Exhibit 3

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Donald L. Pratt
Director
Department of Community Development

[illegible]

Exhibit 4

SHORELINE MASTER PROGRAM

City of Bremerton, Washington

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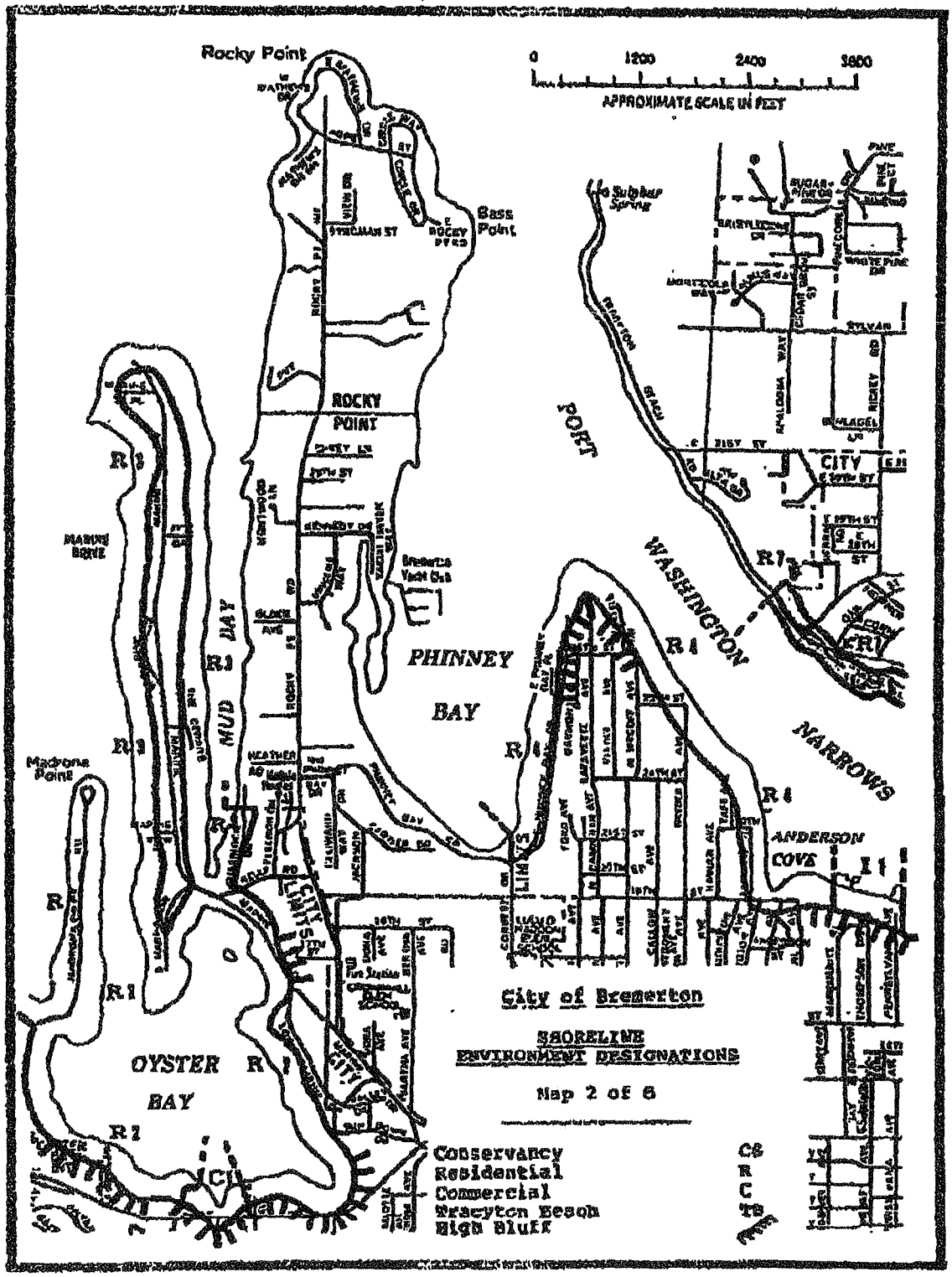
FIGURE 3-1 SHORELINE ENVIRONMENT DESIGNATIONS MAP (MAP 2 OF 6)



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Shoreline uses and activities not specifically identified, for which policies and regulations have not been developed, will be evaluated on a case by case basis and will be required to satisfy the goals and general development policies of the Master Program and the policy of the Shoreline Management Act. In addition, unidentified uses shall be consistent with the management policy and character of the shoreline environment in which they propose to locate, and shall require a Conditional Use Permit.

Shoreline Use/Activity Summary

Table 3-1 Shoreline Use/Activity Matrix

The Shoreline Use/Activity Matrix on the following pages is presented as a summary of Master Program use/activity goals, policies and regulations. The matrix specifies environment designations where Use/Activities are permitted (P), permitted as a Conditional Use (CU), or prohibited altogether (X).

> *The matrix lists the topics of various Master Program use/activity policies and regulations contained in subsequent chapters. Therefore the matrix can be used as a checklist of provisions likely to apply to a project.*

TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 1 of 3)

SHORELINE USE/ACTIVITY	ENVIRONMENT DESIGNATION								
	CONSERVANCY	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	DOWNTOWN WTRFRNT/UPLAND	DOWNTOWN WTRFRNT/MARINE	KITSAP LAKE	KITSAP LAKE WETLANDS	TRACYTON BEACH
ENVIRONMENT-SPECIFIC			A[7]		A[7]	A[7]			
GENERAL									
ARCHEOLOGICAL AND HISTORIC REBOURCES	CU	P	P	P	P	P	P	CU	CU
MARINE BLUFF REVIEW	A[8]	A[8]	A[8]	A[8]	A[8]	NA	A[8]	NA	A[8]
PUBLIC ACCESS	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]
SIGNS: - On Premises	P	P	P	P	P	P	X	CU	CU
- Off Premises (outdoor advertising)	X	X	X	X	X	X	X	X	X
VIEW PROTECTION	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]
SHORELINE USES									
AGRICULTURE	CU	P	X	CU	X	NA	NA	CU	NA
AQUACULTURE	CU	CU	CU	CU	CU	CU	CU	NA	CU
COMMERCIAL: - Landward of OHWM	X	X	P1	P[1]	P[1]	NA	NA	X	X
- Waterward of OHWM	X	X	X	X	NA	CU[1]	X	X	X
FOREST PRACTICES	P	P	P	P	NA	NA	NA	CU	NA
INDUSTRIAL: - Landward of OHWM	X	X	CU[4]	P[4]	P[4]	NA	NA	X	NA
- Waterward of OHWM	X	X	CU[5]	CU[5]	NA	CU[5]	X	X	X
MARINAS	X	CU	P	P	P	P	CU	X	CU
MINING	X	X	CU	CU	X	X	X	X	X
RECREATIONAL	CU	P	P	P	P	P	P	CU	CU
RESIDENTIAL: - Landward of OHWM	X	P	P	P	P	NA	NA	X	NA

P = PERMITTED • X = PROHIBITED • A = AS APPLICABLE • NA = NOT APPLICABLE
CUP = PERMITTED SUBJECT TO OBTAINING SHORELINE CONDITIONAL USE PERMIT (CUP)

TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 2 of 3)

SHORELINE USE/ACTIVITY	ENVIRONMENT DESIGNATION								
	CONSERVANCY	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	DOWNTOWN WTRFRNT/UPLAND	DOWNTOWN WTRFRNT/MARINE	KITSAP LAKE	KITSAP LAKE WETLANDS	TRACYTON BEACH
RESIDENTIAL: - Waterward of OHWM[2]	X	X	X	X	X	X	X	X	X
ROADS, RAILWAYS AND BRIDGES	CU	CU	P	P	P	P	CU	CU	CU
SOLID WASTE DISPOSAL	X	X	X	X	X	X	X	X	X
UTILITIES	CU	P	P	P	P	P	CU	CU	CU
WATER ACCESS AND MOORAGE: - Boat Launch Ramps	CU	CU	P	P	P	P	CU	X	CU
- Marine Railways	CU	CU	CU	P	P	P	CU	X	CU
- Mooring Buoys	P	P	P	P	NA	P	P	NA	P
- Piers & Docks	CU	P	P	P	P	P	CU	CU	CU
- Recreational Floats	CU	P	P	P	NA	P	CU	NA	P
SHORE MODIFICATION									
BEACH ENHANCEMENT	CU	CU	CU	CU	CU	CU	CU	CU	CU
BREAKWATERS, JETTIES, ROCK WEIRS, GROINS	CU	CU	CU	CU	NA	CU	X	NA	X
BULKHEADS, SEAWALLS	CU	P	P	P	P	P	CU	X	CU
CLEARING	CU	P	P	P	P	NA	NA	CU	NA
DREDGING	CU[2]	CU	CU	CU	NA	P	CU	X	CU
GRADING & DRAINAGE	P	P	P	P	P	NA	NA	CU	CU
FLOOD MANAGEMENT	S	S	S	S	S	S	S	S	S
LANDFILL: - Landward of OHWM	CU	P	P	P	P	NA	NA	X	NA
- Waterward of OHWM	X	CU[3]	CU[3]	CU[3]	NA	CU[3]	CU[3]	X	X
REVETMENTS	CU	P	P	P	P	P	CU	CU	CU

P = PERMITTED • X = PROHIBITED • A = AS APPLICABLE • NA = NOT APPLICABLE
CUP = PERMITTED SUBJECT TO OBTAINING SHORELINE CONDITIONAL USE PERMIT (CUP)

TABLE 3-1 SHORELINE USE/ACTIVITY MATRIX (Page 3 of 3)

KEY	REQUIREMENT
P	Use/Activity is permitted in the Environment, subject to regulatory controls in appropriate Use/Activity section.
CU	Use/Activity is permitted in the Environment, subject to obtaining a Shoreline Conditional Use Permit (CUP).
X	Use/Activity is prohibited in the Environment.
A	As applicable.
NA	Use/Activity is not applicable to the Environment.
1	See Commercial Development Policies and Regulations for list of specific commercial uses permitted (Chapter 4).
2	Permitted for "public" purposes only.
3	Permitted for water-dependent and public uses only.
4	Permitted for water-dependent and water-related uses only.
5	Permitted for water-dependent uses only.
6	Does not include residential uses in marinas.
7	See Environment-Specific Regulations (Chapter 3).
8	See General Requirements (Chapter 4).

COPY

KITSAP COUNTY CLERK
NOV - 7 2002
DAVID W. PETERSON

HONORABLE JUDGE JAY B. ROOF
Hearing Date: November 8, 2002
Hearing Time: 1:30 p.m.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

CITY OF BREMERTON, a municipal corporation, Plaintiff, vs. WILLIAM J. SESKO and NATACHA SESKO, husband and wife, and their marital community, Defendants	Case No.: No. 97-2-01749-3 DECLARATION OF WILLIAM J. SESKO

1. I, William J. Sesko, hereby declare under the penalty of perjury of the laws of the State of Washington as follows:

2. I am over the age of 18 years, competent to testify, and make this declaration base On my own knowledge and belief, except where indicated otherwise.

3. My wife Natacha Sesko and I pay over $23,000 per year property tax to Kitsap County and we should be secure with our possession and treated as others under the law.

4. I designed a Submarine High Pressure Emergency Ballast Blow System after the Thresher sank. The same emergency system the Navy was using when they sank the Japanese research boat near Hawaii. It's for emergency use.

5. The two submarine salvage pontoons off our Pennsylvania Avenue Property in The State Harbor areas are of historic significance. Because they could have been the ones used to salvage the USS SQUALUS in 1939. The City wants to destroy them.

6. We rented property west of our Pennsylvania property for storage and research and Development for $1000 per month.

7. The City ordered the property vacated and denied us an appeal (see Exhibit 1,2 3)

8. The order exhibit 1 clearly states vehicle storage not allowed in Business Park Zone And Boat must be removed; yet exhibit 3 to 14 clearly shows vehicles and stored boats through out Penn Plaza Storage Yard. Only Sesko's boats and vehicles had to be removed!

9. Exhibit 15-19 shows Sesko use of Pennsylvania Avenue property isn't a problem With adjacent properties. Exhibit 16 shows the city trying to create a problem.

10. Appellant review cause No. 23150-6-II states " The orders for injunctive relief Do not prevent uses for business purposes; they only require the removal of the junk on the sites."

11. We want to make productive use of our properties and need real guidelines. An Opinion printed in the Bremerton November 5,02 exhibit 20 shows our difficulties "Description of the Bremerton Planning Department range from "It is in a continual State of disarray" to " it is a constant swinging door down there" to "you never get the same opinion twice".

12. Exhibit 21. A Memorandum from Don Pratt in February 6,1997 states " I am the City" and he is not confident in his actions against us.

13. The Shoreline Master Program City of Bremerton Page. 7-7. Exhibit 22 shows we Should have been able to appeal Don Pratt's decision upheld by the planning commission to the City Council and then the shorelines hearing board as provided in RCW 90.58.180.

14. Our appeal to City Council was never heard and after a year delay Don Pratt said we

Didn't get a hearing.

15. And here we are with the City trying to say we can't ever use our Pennsylvania Avenue property productively.

16. The Shoreline Master Program Page. 5-12 Exhibit 23. States the Port of Bremerton is Encouraged coordinating Industrial Use along the shoreline.

17. With the Courts approval may be the port of Bremerton could coordinate our use of our Pennsylvania Avenue property.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.
Dated this 6th day of November 2002. At Bremerton Washington.

WILLIAM J.SESKO

BREMERTON-006770

Fell Plaza Industrial Park

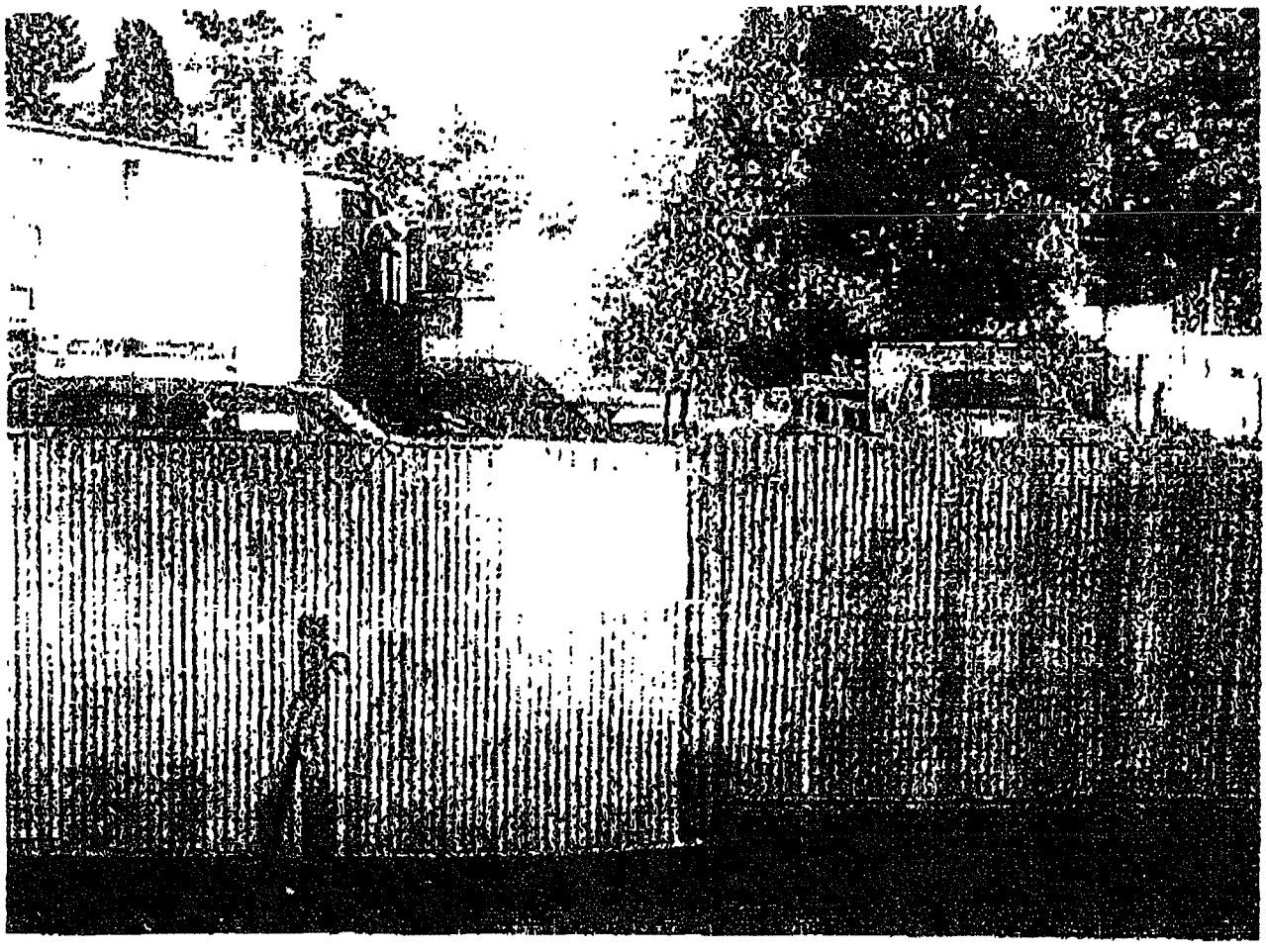
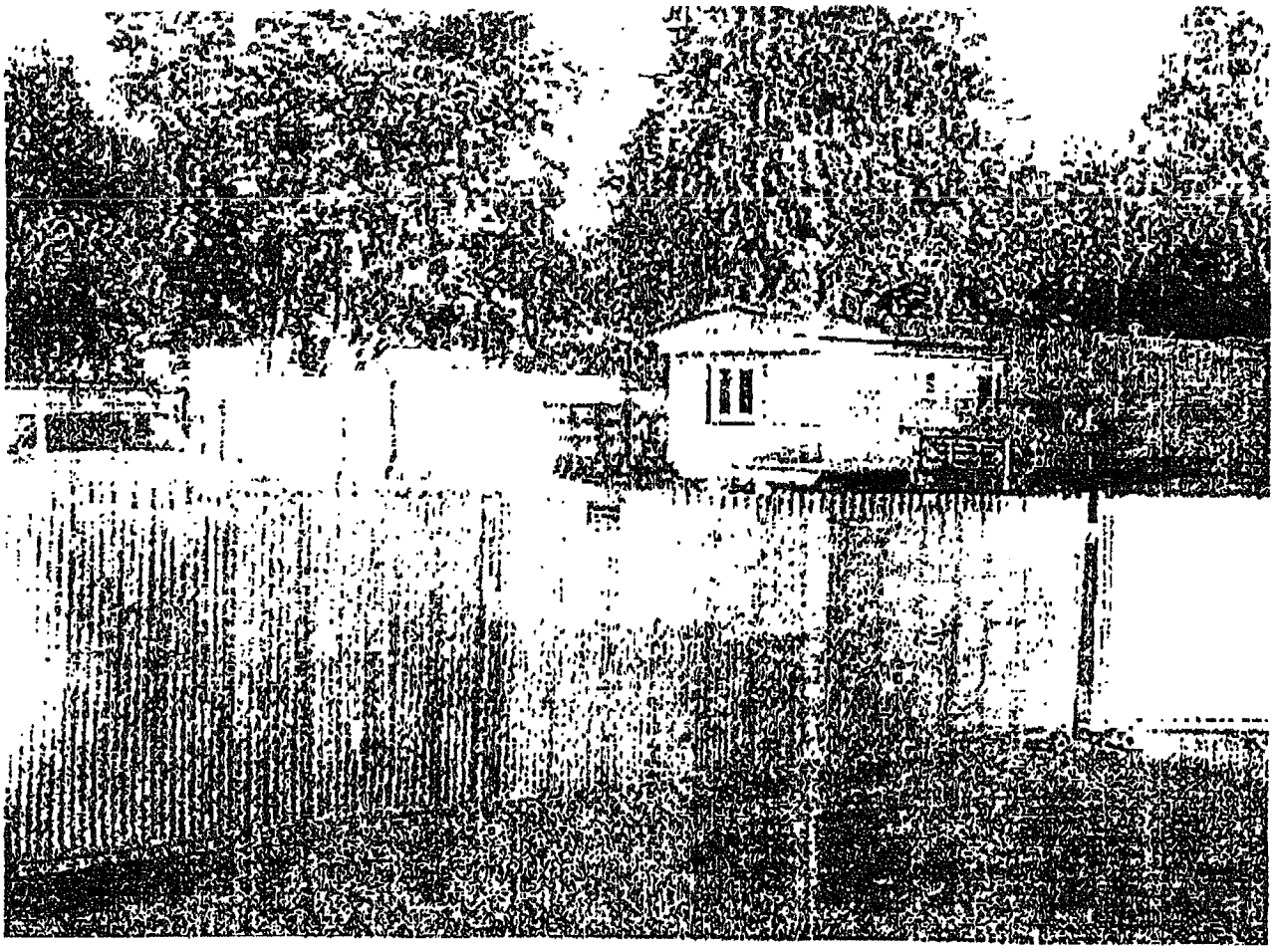


Image01.jpg

Penn Plaza Industrial Park



07/09/02

Pent Plaza Industrial Park

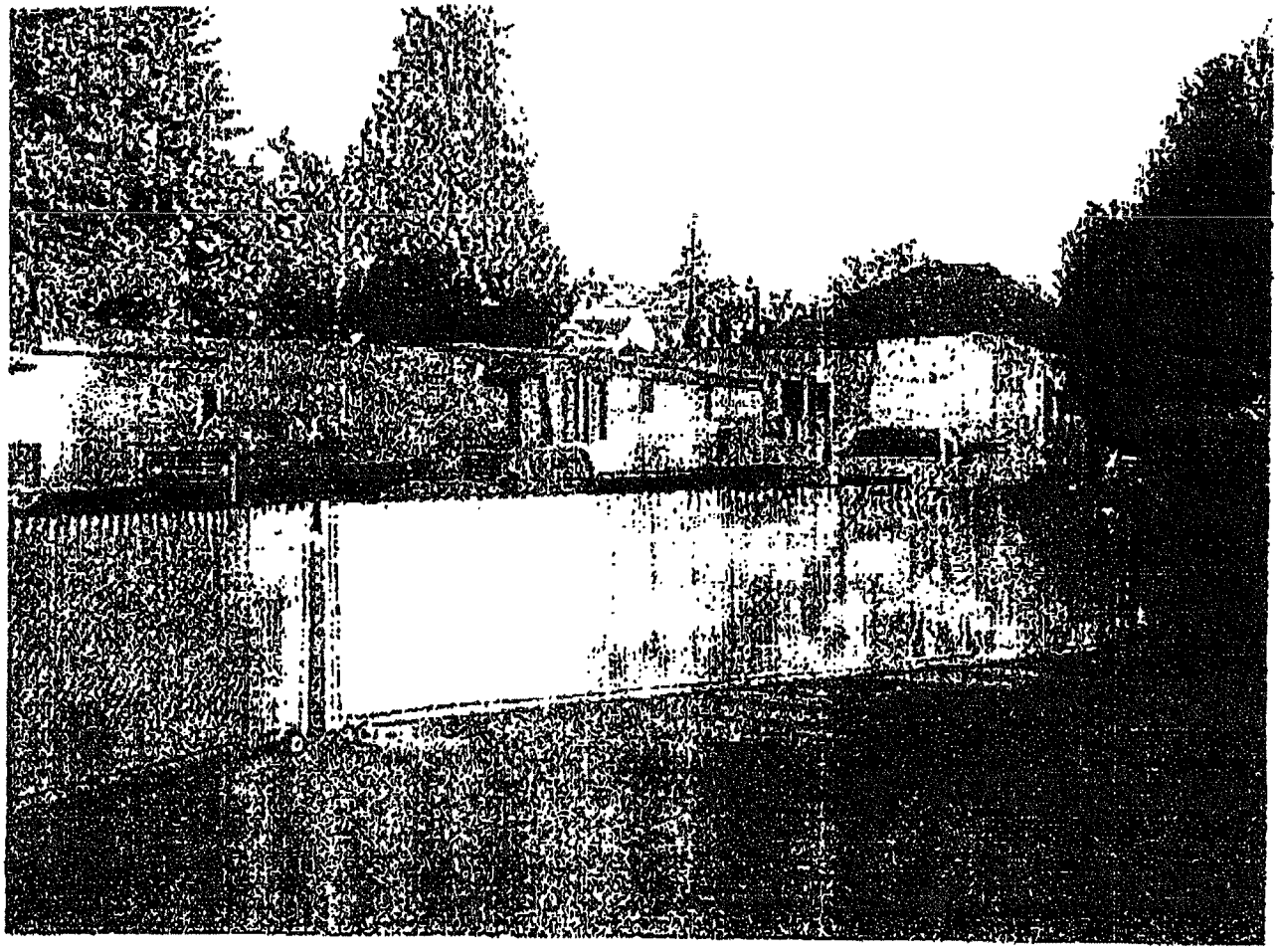
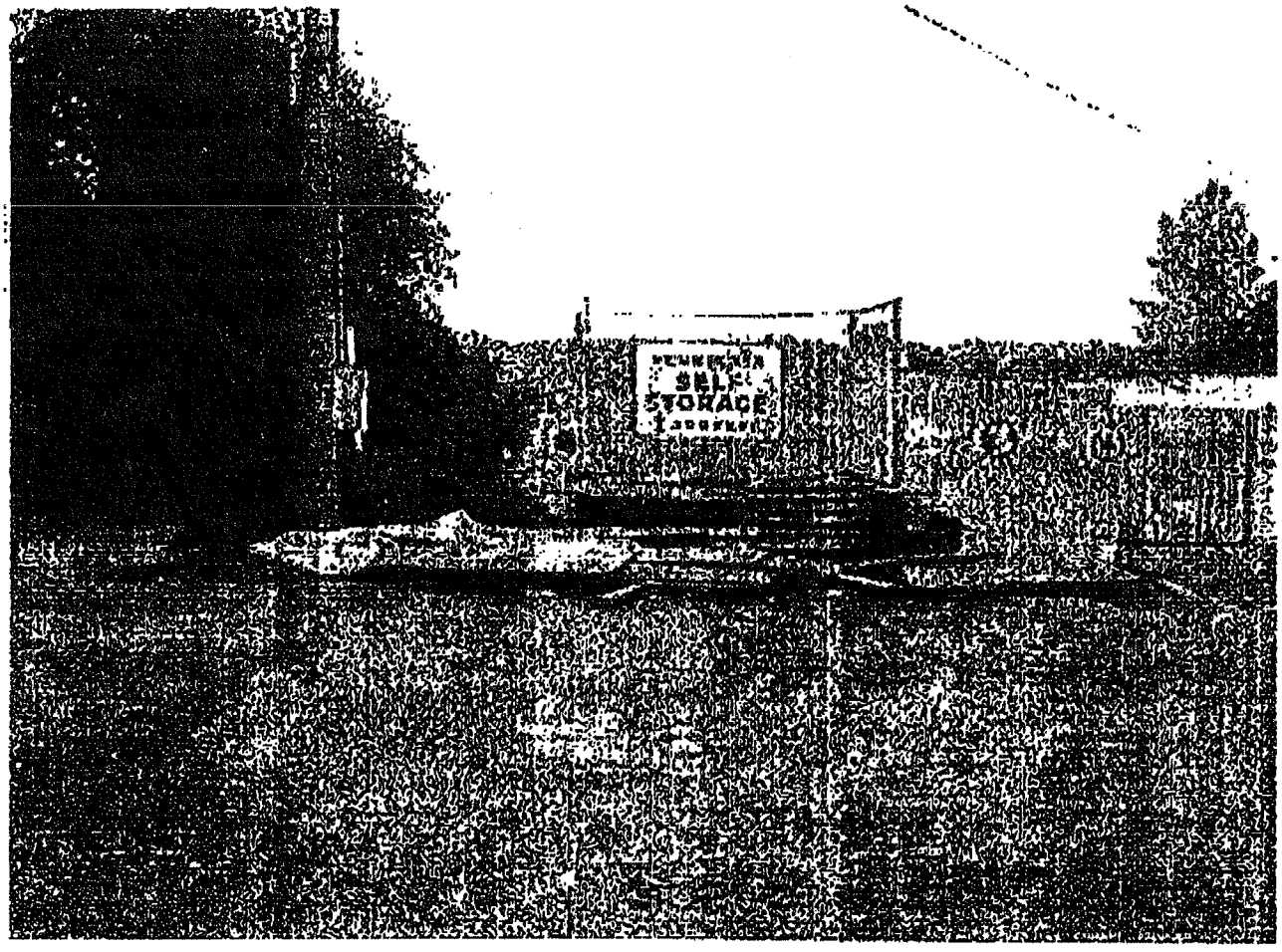


Image03.jpg

4

Pensylv nia Avenue Pen Plaza



10/01/02

EX 3

286 4th Street * Bremerton * * 98337
(360)478-5275 Fax (360) 478-5278

Request for Review of Decision of Director, Planning Commission or to Appeal a Cease & Desist Order

Reference: Zoning Code Section 21.02.935 & 21.02.945

Request Party: WILLIAM J. SESSO
(Your name)

3536 ARSENAL WAY
(Your mailing address) BREMERTON WA 98312

360 377 - 0637
(Telephone number)

Decision Being Appealed: CEASE & DESIST ORDER

Address and/or Location of Decision Being Appealed: N. END OF THUMPSON DR. E. SIDE

Please provide a concise statement of specific finding(s) or conclusion(s) to be reviewed, together with material facts claimed to support your contentions. Use additional paper if necessary.

THIS PROPERTY HAS BEEN USED AS INDUSTRIAL FOR THE PAST 50 YRS AND IS INDUSTRIAL UNDER THE BREMERTON SHORE LINE MAS. PLAN.

Please provide a brief statement of the relief sought and the reasons why the decision/action should be reversed, modified or remanded. Use additional pages if necessary.

THE PROPERTY HAS BEEN USED INDUSTRIALY AND SHOULD BE ALLOWED TO BE USED AS SUCH ANY JUNK & TRASH WILL BE REMOVE

Date: FEB 22 02

William J. Sesso
Appellant's Signature

Fee: Review to City Council - $170.00
Review to Planning Commission - $120.00 (Only applicable to a Cease & Desist Order Appeal)

Reviews will be scheduled to be heard before the Bremerton City Council as soon as possible, allowing for adequate preparation and notice. You will receive written notification of the Council hearing date mailed to your address given above. The City Council decision is the final legislative decision.

12/26/00 jjm

RECEIVED
FEB 22 2002
BREMERTON
BUILDING DEPARTMENT

CITY OF BREMERTON

CEASE AND DESIST ORDER

Pursuant to BMC 21.02.945(c) "Cease and Desist Order", PAUL & MARGARET MCCONKEY owner/occupant of the property located at, END OF THOMPSON AVENUE, Bremerton, WA is hereby ordered to immediately discontinue the illegal use defined herein.
Tax account # 37110000010409.
The following conditions have been defined as violations of the *BREMERTON MUNICIPAL CODE* by the Director of Community Development:

BMC 21.02.140 "Interpretation of Tables", JUNKYARD AND VEHICLE STOREAGE use not allowed in BP ZONE.

BMC 21.02.945 "Violation of the Zoning Code" [Cease and Desist Order] (c)(2) states:

> "An order shall be obeyed immediately, notwithstanding the filing of an appeal. An order is final if not appealed within fourteen (14) calendar days from the date of posting, or as otherwise stated within the order"

DATE ORDER WAS POSTED: FEBRUARY 8, 2002

COMPLIANCE WITH ORDER MUST BE ACHIEVED BY: FEBRUARY 22, 2002

Failure to satisfy the conditions of this order may cause the owner/occupant/lessor to be guilty of a gross misdemeanor as per BMC 21.02.945 "Violation of the Zoning Code" [Cease and Desist Order] (c)(3).

ACCOMPLISH THE FOLLOWING ACTION: REMOVE JUNK VEHICLES, BOATS, TRASH AND DEBRIS.

Chris Hugo 2/7/02

CHRIS HUGO, DIRECTOR — DATE
DEPARTMENT OF COMMUNITY DEVELOPMENT

FOR MORE INFORMATION REGARDING THIS NOTICE, CONTACT JEANNI JOHNSON, AT (360) 478-5211.

DO NOT REMOVE OR DEFACE THIS NOTICE

CITY OF BREMERTON • 239 4th Street • Bremerton, WA 98337

March 1, 2002

William J. Sesko
3536 Arsenal Way
Bremerton, WA 98312

Dear Mr. Sesko:

The purpose of this letter is to advise you that the City of Bremerton cannot process the appeal you filed of a Cease and Desist Order on February 22, 2002. A refund of the $132 appeal fee is in process and should reach you within approximately ten days.

The Department of Community Development has been contacted by Mr. Paul McConkey, the legal owner of the property in question. We have been advised that you were served with a 20-day Eviction Notice several days ago, that your lease of this property will terminate on April 1, 2002, and that the legal owner does not support the appeal and intends to abate the violation(s) that exist on the property.

Under the above circumstances the City is not able to accept or process the appeal.

Sincerely,

Christopher R. Hugo, Director
Department of Community Development

CC: Paul McConkey, Property Owner
Jeanni Johnson, Code Enforcement
Roger Lubovich, City Attorney