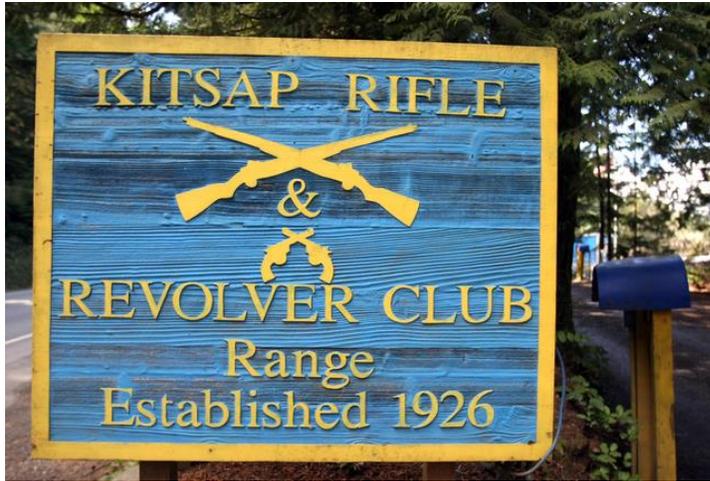


# Gun club asks state Supreme Court to review ruling

By Christopher Dunagan  
Kitsap Sun  
Mar 13, 2015



The Kitsap Rifle & Revolver Club sign next to the Seabeck Highway.  
LARRY STEAGALL / KITSAP SUN

OLYMPIA — Kitsap Rifle and Revolver Club, which remains under a court order restricting operations at the club's shooting range, has petitioned the state Supreme Court to review the long-running case.

In October, the state Court of Appeals upheld a Pierce County judge's ruling that the club's shooting range on Seabeck Highway constituted a public nuisance. The court determined that increased noise from shooting and exploding targets plus the risk of bullets leaving the range created a nuisance subject to abatement.

The lawsuit, brought by Kitsap County, also alleges that the club failed to obtain needed permits for grading and other land-use activities on the site, a finding upheld by the appeals court. But the court overruled the lower court's finding that the club had lost its

nonconforming use (grandfathered) status when it expanded the range and changed operations.

The appeals court remanded the case to Superior Court to work out conditions for allowing the shooting range to continue in operation.

The club's petition for review by the Supreme Court challenges the findings of both lower courts that the range constituted a nuisance. The petition also challenges a finding that by allowing commercial and military training at the range, the club had "expanded" its activities, triggering a land-use permit. No permit would be required had the club merely "intensified" its ongoing activities.

The petition claims the Court of Appeals ruling runs contrary to state public nuisance laws and previous court rulings. It says the state Supreme Court should accept the case, because it deals with matters of "substantial public interest." The high court has discretion in whether to accept the case and in limiting the issues it will review.

Marcus Carter, executive officer of KRRC, said the club was constrained in what it could bring up on appeal to the Supreme Court.

"There were several issues that could have been explored more fully," he said. "I would have loved to see the constitutional issues brought up that the Court of Appeals did not want to address."

Attorney Neil Wachter, who is representing the county, said he sees no real conflict with other court rulings or with state law that must be resolved by the Supreme Court.

Wachter said he would file an answer to the petition within 30 days, as required by court rules. He also plans to ask for reinstatement of some of the original restrictions on the shooting range imposed by Pierce County Superior Court Judge Susan Serko. Those

restrictions, including hours of operation and types of weapons, were reduced by the Court of Appeals while the case was pending.

Copyright 2015 Scripps Media, Inc. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.