

## Williamson Valley gun enthusiast at odds with county and neighbors over private gun range



Courtesy photo  
An aerial view of Brad DeSaye's Headhunter Ranch in Prescott shows what appear to be different types of gun ranges built on his property. DeSaye is in a battle with the county over the ranges.



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PRESCOTT - A Prescott gun enthusiast is in a heated battle with the county and some of his neighbors over the construction of a gun range on his property.

Brad DeSaye, owner of the Headhunter Ranch off of Williamson Valley Road, is in the process of building a private gun range on his 380-acre ranch. DeSaye also owns J&G Sales, 440 Miller Valley Road, which sells a variety of firearms, ammunition and accessories.

According to a Notice of Violation from the Yavapai County Development Services Department, dated Sept. 6, the gun range violates Section 400 Non-permitted Use or Disallowed Use, and Section 501 Accessory Uses of the county's zoning ordinances.

Aerial photographs of DeSaye's property obtained by The Daily Courier show what appear to be multiple types of ranges located on the property. The various ranges sit about a quarter-mile from three roadways and railroad tracks, according to county maps.

"Mr. DeSaye follows all commonly accepted practices for safe shooting," DeSaye's attorney, Alex Vakula of Prescott said. "The irony is that the county is complaining because Mr. DeSaye is shooting into dirt berms as a back stop, which everyone agrees is the safest manner in which to shoot."

Vakula and co-council, Jeffrey Gross, from the Gallagher & Kennedy Law Firm in Phoenix, said that there is no definition of a gun range in the county's zoning ordinances, nor has the county provided an explanation as to how the activity on DeSaye's property constitutes a gun range.

"There is an Arizona statute that preempts or restricts the ability of the county and other local governments from prohibiting shooting activities," Vakula said. "There has been shooting and hunting activities on this ranch property for decades, if not centuries. The county agrees that shooting is permitted on the property, just as it is permitted on the neighboring ranches and the Forest Service property directly to the west."

According to Vakula, shooting is permitted because DeSaye's property falls under the

county's agricultural exemption and classification, and it is exempt from the zoning laws.

"It is agriculturally exempt, like everything else around there," Vakula said. "There's horses running on it now and there will be cattle in the future - as soon as the wheat comes in."

But, it is the use of the property for agricultural purposes on 5-acres or more that is exempt from the zoning code, not the land itself, according to county Development Services Director Steve Mauk.

"So if you're not using it for the agricultural purpose and you're doing something else with it, it still falls under the zoning code," Mauk said.

Court documents filed on DeSaye's behalf contend that the county is infringing on DeSaye's Second Amendment right to bear arms through its attempt to bar him from shooting on his property.

"The Supreme Court's legal rulings on the Second Amendment talk about a number of things. One of the things they talk about is being able to exercise the right," Second Amendment lobbyist Todd Rathner said. "Just because you can own a gun or carry a gun under the Second Amendment, doesn't mean that your rights are fully supported. You have to be able to use the gun and shoot the gun. That's an important aspect."

The case is a land-use question, not a Second Amendment question, Mauk stressed.

"No body is saying he can't bear arms," Mauk said. "He just can't set up a shooting range in a residential neighborhood."

In addition to the county's complaint, more than 50 of DeSaye's neighbors are saying "not in our backyard" to the homemade gun range.

According to resident George Price, the gun range could lower property values in the area and curb the growth of future residential developments - hurting not only property owners, but the county as well.

"I might add that almost without exception the surrounding property owners are gun owners and/or hunters," Price wrote in an email to The Daily Courier. "This is about

responsible gun use and how a few bad actors can give gun owners a bad name."

The cracking sound of high-powered gunfire is the last thing Barbara Butterfield said she expected to hear when she moved to the quiet country area.

"I don't like it at all. How would you like to get up on Sunday morning at 7 a.m. and hear high-powered gunfire in your backyard? How would you like that?" Butterfield asked. "That isn't the nature of the Arizona that I thought I was moving to. For eight years it was peaceful, but it's not now."

No matter who wins the case, the ruling could set precedence for other Second Amendment cases across Arizona and possibly the nation.

"I can tell you that the NRA is watching this very carefully from the highest levels," Rathner said. "And they're watching because if Development Services is successful in shutting down Mr. DeSaye's ability to shoot, that is going to set a very bad precedent for the rest of Arizona."

"Depending on what happens, the NRA will seek political solutions," Rathner added.

The case is scheduled to go before Hearing Officer Charles 'Chick' Hastings at 9 a.m. Nov. 12, at the Yavapai County Administrative Building at 1015 Fair St. in Prescott.

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