

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 3 - 0

**Yeas:** Clem, Cowan, Garrett, Greenlick, Nolan

**Nays:** Esquivel, Hanna, Wingard

**Exc.:** 0

**Prepared By:** Cheyenne Ross, Administrator

**Meeting Dates:** 02/05, 02/12

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**WHAT THE MEASURE DOES:** Discontinues, within one year of taking effect, an exception created in 2003 allowing a longstanding fireworks business to use lands zoned exclusively for farm use.

**ISSUES DISCUSSED:**

- Exclusive farm use designation increasingly meaningless because so many other uses are excepted
- Exceptions should be related to or consistent with farm use
- Closure of fireworks business would be a hardship for the company's eight full-time employees and up to 1,000 part-time seasonal employees
- Role of the Legislative Assembly in creating the exception
- Difficulty of siting/locating explosives
- Other fireworks businesses that do not enjoy the same exception operate successfully elsewhere
- General safety concerns, expensive/inefficient/inexperienced provision of emergency services
- Removal of language to make the business a nonconforming use
- Opening up such use to all such businesses to level the playing field

**EFFECT OF COMMITTEE AMENDMENT:** Stipulates that the affected business may continue in its current state at its current location, and that the excepted use terminates with change of ownership or operations, unless such change is made to comply with public health and safety requirements.

**BACKGROUND:** Senate Bill 667 (2003) created a use exception on lands zoned "exclusive farm use" for fireworks businesses that had been in continuous operation at the same location since December 31, 1986. However, only one company satisfied the criteria, so the law had the effect of granting it an exclusive right.