

REFERENCE TITLE: board; votes; wind; solar projects

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2338

Introduced by
Representatives Heap; Marshall

AN ACT

AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 11-820.05; RELATING TO COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 11, chapter 6, article 2, Arizona Revised
3 Statutes, is amended by adding section 11-820.05, to read:
4 11-820.05. Zoning; wind and solar projects; use permits;
5 voting; applicability
6 A. NOTWITHSTANDING ANY OTHER LAW, IN A COUNTY WITH A POPULATION OF
7 LESS THAN FIVE HUNDRED THOUSAND PERSONS, THE BOARD MAY NOT APPROVE AN
8 APPLICATION FOR A CONDITIONAL USE PERMIT, SPECIAL USE PERMIT OR OTHER
9 ZONING CHANGE OR VARIANCE FOR A PROPOSED WIND PROJECT OR SOLAR PROJECT
10 UNLESS ALL OF THE FOLLOWING OCCUR:
11 1. ALL MEMBERS OF THE BOARD WHO ARE ENTITLED TO VOTE ARE PRESENT
12 FOR THE VOTE.
13 2. A MAJORITY OF THE MEMBERS VOTE TO APPROVE THE APPLICATION.
14 3. EACH SUPERVISORY DISTRICT WHERE A PORTION OF THE PROPOSED WIND
15 PROJECT OR SOLAR PROJECT IS LOCATED VOTES TO APPROVE THE APPLICATION.
16 B. IF THERE IS A VACANCY ON THE BOARD, THE BOARD MAY NOT VOTE ON
17 THE APPLICATION UNTIL THE VACANCY HAS BEEN FILLED.
18 C. IF A BOARD MEMBER IS ABSENT, THE BOARD MAY NOT VOTE ON THE
19 APPLICATION UNTIL ALL BOARD MEMBERS ARE PRESENT TO VOTE.
20 D. IF A BOARD MEMBER RECUSES HIMSELF AND THE RECUSED MEMBER
21 REPRESENTS A DISTRICT WHERE A PORTION OF THE PROPOSED WIND PROJECT OR
22 SOLAR PROJECT IS LOCATED, THE VOTE OF ALL THE REMAINING MEMBERS THAT ARE
23 ELIGIBLE TO VOTE MUST BE UNANIMOUS.