

House Engrossed

small modular reactors; zoning; co-location

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

HOUSE BILL 2456

AN ACT

AMENDING SECTION 11-812, ARIZONA REVISED STATUTES; 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. Section 11-812, Arizona Revised Statutes, is amended to
3 read:
4 11-812. Restriction on regulation; exceptions; aggregate
5 mining regulation; definitions
6 A. ~~Nothing contained in~~ Any ordinance authorized by this chapter
7 ~~shall~~ MAY NOT:
8 1. Affect existing uses of property or the right to its continued
9 use or the reasonable repair or alteration of the property for the purpose
10 for which used at the time the ordinance affecting the property takes
11 effect.
12 2. Prevent, restrict or otherwise regulate the use or occupation of
13 land or improvements for railroad, mining, metallurgical, grazing or
14 general agricultural purposes, if the tract concerned is five or more
15 contiguous commercial acres. For the purposes of this paragraph:
16 (a) "General agricultural purposes" includes agritourism as defined
17 in section 3-111, but does not include any of the following:
18 (i) Food establishments THAT ARE under the authority of the
19 department of health services pursuant to section 36-136, subsection I AND
20 that are associated with an agritourism business.
21 (ii) Rodeo events that are open to the general public and that sell
22 tickets for admission. For the purposes of this item, rodeo events do not
23 include generally accepted agricultural practices associated with
24 livestock and equine operations.
25 (iii) The cultivation of cannabis as defined in section 13-3401 or
26 marijuana as defined in section 13-3401 or 36-2801.
27 (b) "Mining" has the same meaning prescribed in section 27-301.
28 3. Prevent, restrict or otherwise regulate the use or occupation of
29 land or improvements for agricultural composting, if the tract is five or
30 more contiguous commercial acres. An agricultural composting operation
31 shall notify in writing the board of supervisors and the nearest fire
32 department of the location of the composting operation. If the nearest
33 fire department is located in a city, town or fire district where the
34 agricultural composting is not located, the agricultural composting
35 operation shall also notify in writing the fire district in which the
36 operation is located. Agricultural composting is subject to sections
37 3-112 and 49-141. For the purposes of this paragraph, "agricultural
38 composting" has the same meaning prescribed in section 9-462.01,
39 subsection G.
40 4. Prevent, restrict or otherwise regulate the otherwise lawful
41 discharge of a firearm or air gun or use of archery equipment on a private
42 lot or parcel of land that is not open to the public on a commercial or
43 membership basis.
44 5. PREVENT, RESTRICT OR OTHERWISE REGULATE THE USE OR OCCUPATION OF
45 LAND OR IMPROVEMENTS FOR THE CONSTRUCTION AND OPERATION OF A SMALL MODULAR

1 REACTOR IF THE SMALL MODULAR REACTOR IS COLOCATED WITH AN EXTRA HIGH LOAD
2 FACTOR CUSTOMER, AS DEFINED BY THE CORPORATION COMMISSION, THAT RECEIVED
3 ALL APPLICABLE ZONING ENTITLEMENTS AND IF THE OWNER OR OPERATOR OF THE
4 SMALL MODULAR REACTOR HAS PROVIDED PUBLIC NOTICE AND HELD AT LEAST ONE
5 PUBLIC COMMENT SESSION IN THE COUNTY IN WHICH THE SMALL MODULAR REACTOR'S
6 LOCATION IS PROPOSED. FOR THE PURPOSES OF THIS PARAGRAPH, "SMALL MODULAR
7 NUCLEAR REACTOR" MEANS A GENERATION III+ OR GENERATION IV NUCLEAR
8 GENERATING UNIT WITH A NAMEPLATE RATING OF NOT GREATER THAN THREE HUNDRED
9 MEGAWATTS.

10 B. A nonconforming business use within a district may expand if the
11 expansion does not exceed one hundred ~~per cent~~ PERCENT of the area of the
12 original business.

13 C. For the purposes of subsection A, paragraph 2 of this section,
14 mining does not include aggregate mining operations in an aggregate mining
15 operations zoning district established pursuant to this section. The board
16 of supervisors of any county with a population of more than two million
17 persons shall designate and establish the boundaries of an aggregate
18 mining operations zoning district on the petition of at least one hundred
19 persons who reside within one-half mile of an existing aggregate mining
20 operation. In addition, the board of supervisors of any county may
21 establish, in its discretion and on the board's initiative, one or more
22 aggregate mining operations zoning districts. Aggregate mining operations
23 zoning districts may only be located in areas that are inventoried and
24 mapped as areas of known reserves or in areas with existing aggregate
25 mining operations. Subject to subsections E and F of this section, a
26 county and the state mine inspector may jointly adopt, as internal
27 administrative regulations, reasonable aggregate mining operations zoning
28 district standards limited to permitted uses, procedures for approval of
29 property development plans and site development standards for dust
30 control, height regulations, setbacks, days and hours of operation,
31 off-street parking, screening, noise, vibration and air pollution control,
32 signs, roadway access lanes, arterial highway protection and property
33 reclamation for which aggregate mining operations are not otherwise
34 subject to federal, state or local regulation or a governmental
35 contractual obligation. Regulations jointly adopted pursuant to this
36 subsection by the county and the state mine inspector shall not prohibit
37 the activities included in the definition of mine pursuant to section
38 27-301, paragraph 8 or duplicate, conflict with or be more stringent than
39 applicable federal, state or local laws.

40 D. The board of supervisors of any county that establishes an
41 aggregate mining operations zoning district shall appoint an aggregate
42 mining operations recommendation committee for the district. The
43 committee consists of not more than seven operators, or representatives of
44 operators, of active aggregate mining operations in any district within
45 the county and an equal number of private citizens, who are not operators,

1 who are not employed by operators and who do not represent operators,
2 residing within three miles of the boundaries of aggregate mining
3 operations or a proposed aggregate mining operation in the district for
4 which the committee is established. The initial members appointed to the
5 committee shall be deemed the primary members, and the board of
6 supervisors shall appoint not more than five alternate members who
7 represent operators and shall appoint not more than five alternate members
8 who are private citizens. Alternate members may serve at meetings of the
9 committee when a primary member is unable to attend. An aggregate mining
10 operator may serve on more than one committee in the same county. The
11 board of supervisors shall determine the length of terms of members of the
12 committee and shall stagger the initial appointments so that not all
13 members' terms expire at the same time. Members of the committee who no
14 longer qualify for membership as provided by this subsection are subject
15 to removal and replacement by the board of supervisors. The committee
16 shall elect a member who is an aggregate mining operator to serve as
17 chairperson for the first year in which the committee is created. For
18 each year thereafter, the chairperson shall be elected by the members of
19 the committee with a member who is a private citizen and a member who is
20 an aggregate mining operator serving as chairperson in alternate years.
21 The committee is subject to the open meeting requirements of title 38,
22 chapter 3, article 3.1.

23 E. Within ninety days after an aggregate mining operations
24 recommendation committee is established, the committee shall notify all
25 existing aggregate mining operators in the district of the application of
26 this section and title 27, chapter 3, article 6 to the aggregate mining
27 operation. In addition, the committee shall:

28 1. By a majority vote of all members make recommendations to the
29 board of supervisors for aggregate mining zoning districts and
30 administrative regulations as provided in this section. The board of
31 supervisors may adopt or reject the recommendations but may not make any
32 modifications to the recommendations unless the modification is approved
33 by a majority of the members of the recommendation committee.

34 2. Serve as a forum for mediation of disputes between members of
35 the public and aggregate mining owners or operators. If the committee is
36 unable to resolve a dispute, the committee shall transmit the matter to
37 the state mine inspector, with written findings and recommendations, for
38 further action.

39 3. Hear written complaints filed with the state mine inspector
40 regarding alleged material deviations from approved community notices for
41 aggregate mining operations and make written recommendations to the state
42 mine inspector pursuant to section 27-446.

43 F. Any administrative regulations adopted by a board of supervisors
44 pursuant to this section are not effective until the regulations are
45 approved by the state mine inspector. The STATE MINE inspector may

1 disapprove the administrative regulations adopted by the board of
2 supervisors only if they duplicate, conflict with or are more stringent
3 than applicable federal, state or local laws, rules or regulations. If
4 the STATE MINE inspector disapproves the administrative regulations, the
5 STATE MINE inspector must provide written reasons for the disapproval.
6 The STATE MINE inspector shall not make any modification to the
7 administrative regulations as adopted by the board of supervisors unless
8 the modification is approved by a majority of the members of the board of
9 supervisors.

10 G. A person or entity is subject to this chapter if the use or
11 occupation of land or improvements by the person or entity consists of or
12 includes changing, remanufacturing or treating human sewage or sludge for
13 distribution or resale. These activities are not exempt from this chapter
14 under subsection A, paragraph 2 of this section.

15 H. A county shall not require as a condition for a permit or for
16 any approval, or otherwise cause, an owner or possessor of property to
17 waive the right to continue an existing nonconforming outdoor advertising
18 use or structure without acquiring the use or structure by purchase or
19 condemnation and paying just compensation unless the county, at its
20 option, allows the use or structure to be relocated to a comparable site
21 in the county with the same or a similar zoning classification, or to
22 another site in the county acceptable to both the county and the owner of
23 the use or structure, and the use or structure is relocated to the other
24 site. The county shall pay for relocating the outdoor advertising use or
25 structure, including the cost of removing and constructing the new use or
26 structure that is at least the same size and height. This subsection does
27 not apply to county rezoning of property at the request of the property
28 owner to a more intensive zoning district.

29 I. For the purposes of this section:

30 1. "Aggregate" has the same meaning prescribed in section 27-441.

31 2. "Aggregate mining" has the same meaning prescribed in section
32 27-441.

33 3. "Aggregate mining operation" means property that is owned,
34 operated or managed by the same person for aggregate mining.

35 4. "Operators" means persons who are actively engaged in aggregate
36 mining operations within the zoning district or proposed zoning district
37 and who have given notice to the state mine inspector pursuant to section
38 27-303.