

REFERENCE TITLE: **small modular reactors; zoning; co-location**

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

HB 2456

Introduced by
Representative Wilmeth

AN ACT

AMENDING SECTION 11-812, ARIZONA REVISED STATUTES; AMENDING TITLE 40, CHAPTER 2, ARTICLE 6.2, ARIZONA REVISED STATUTES, BY ADDING SECTION 40-360.14; 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 A LARGE INDUSTRIAL
2 ENERGY USER THAT RECEIVED ALL APPLICABLE ZONING ENTITLEMENTS AND IF THE
3 OWNER OR OPERATOR OF THE SMALL MODULAR REACTOR HAS PROVIDED PUBLIC NOTICE
4 AND HELD AT LEAST ONE PUBLIC COMMENT SESSION IN THE COUNTY IN WHICH THE
5 SMALL MODULAR REACTOR'S LOCATION IS PROPOSED. FOR THE PURPOSES OF THIS
6 PARAGRAPH, "COLOCATED WITH", "LARGE INDUSTRIAL ENERGY USER" AND "SMALL
7 MODULAR NUCLEAR REACTOR" HAVE THE SAME MEANINGS ADOPTED BY THE CORPORATION
8 COMMISSION PURSUANT TO SECTION 40-360.14.

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

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

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

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

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

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

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

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

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

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

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

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

27 I. For the purposes of this section:

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

29 2. "Aggregate mining" has the same meaning prescribed in section
30 27-441.

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

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

37 Sec. 2. Title 40, chapter 2, article 6.2, Arizona Revised Statutes,
38 is amended by adding section 40-360.14, to read:

39 40-360.14. Small modular reactors collocated with large
40 industrial energy users; rules

41 A. THE COMMISSION SHALL ADOPT RULES TO IMPLEMENT SECTION 11-812,
42 SUBSECTION A, PARAGRAPH 5 THAT MUST INCLUDE A DEFINITION FOR EACH OF THE
43 FOLLOWING TERMS:

44 1. COLOCATED WITH. THE COMMISSION'S DEFINITION SHALL SPECIFY ONE
45 OR BOTH OF THE FOLLOWING:

1 (a) THE DISTANCE IN FEET OR PARCELS BETWEEN THE SITE OF A LARGE
2 INDUSTRIAL ENERGY USER AND THE SITE OF A SMALL MODULAR REACTOR.
3 (b) THE QUALITY OR NATURE OF THE ELECTRICAL INTERCONNECTION BETWEEN
4 THE LARGE INDUSTRIAL ENERGY USER AND THE SMALL MODULAR REACTOR.
5 2. LARGE INDUSTRIAL ENERGY USER. THE COMMISSION'S DEFINITION:
6 (a) MUST SPECIFY THE PEAK OR AVERAGE ANNUAL OR MONTHLY ENERGY
7 DEMAND OF THE USER THAT IS MEASURED IN MEGAWATTS OR MEGAWATT HOURS.
8 (b) MAY NOT DISCRIMINATE BETWEEN DIFFERENT:
9 (i) INDUSTRIES, SECTORS OR END USERS AND THE OWNERS OR OPERATORS OF
10 END USERS OR THE PROPOSED LOCATIONS OF END USERS.
11 (ii) END USERS IN ANY OTHER CAPACITY BEYOND THE USE OF ENERGY
12 DEMAND AND OTHER ELECTRICAL-RELATED OPERATING NEEDS OR CHARACTERISTICS.
13 B. THE COMMISSION MAY ADOPT DEFINITIONS FOR ANY OTHER TERMS THE
14 COMMISSION DEEMS REASONABLE OR NECESSARY TO IMPLEMENT THIS SECTION AND
15 SECTION 11-812.