

REFERENCE TITLE: small modular reactors; manufacturing; zoning

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

## HB 2493

Introduced by  
Representatives Taylor: Carbone, Griffin

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.

1           5. PREVENT, RESTRICT OR OTHERWISE REGULATE THE USE OR OCCUPATION OF  
2 LAND OR IMPROVEMENTS FOR THE CONSTRUCTION AND OPERATION OF AN ADVANCED  
3 MANUFACTURING FACILITY FOR THE MANUFACTURE OR PRODUCTION OF A SMALL  
4 MODULAR REACTOR OR SMALL MODULAR REACTOR PARTS, FUELS OR SUPPLIES.

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

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

35           D. The board of supervisors of any county that establishes an  
36 aggregate mining operations zoning district shall appoint an aggregate  
37 mining operations recommendation committee for the district. The  
38 committee consists of not more than seven operators, or representatives of  
39 operators, of active aggregate mining operations in any district within  
40 the county and an equal number of private citizens, who are not operators,  
41 who are not employed by operators and who do not represent operators,  
42 residing within three miles of the boundaries of aggregate mining  
43 operations or a proposed aggregate mining operation in the district for  
44 which the committee is established. The initial members appointed to the  
45 committee shall be deemed the primary members, and the board of

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

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

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

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

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

38 F. Any administrative regulations adopted by a board of supervisors  
39 pursuant to this section are not effective until the regulations are  
40 approved by the state mine inspector. The STATE MINE inspector may  
41 disapprove the administrative regulations adopted by the board of  
42 supervisors only if they duplicate, conflict with or are more stringent  
43 than applicable federal, state or local laws, rules or regulations. If  
44 the STATE MINE inspector disapproves the administrative regulations, the  
45 STATE MINE inspector must provide written reasons for the disapproval.

1 The STATE MINE inspector shall not make any modification to the  
2 administrative regulations as adopted by the board of supervisors unless  
3 the modification is approved by a majority of the members of the board of  
4 supervisors.

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

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

24 I. For the purposes of this section:

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

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

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

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