

House Engrossed

certificate; environmental compatibility; zoning; exemption

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

HOUSE BILL 2494

AN ACT

AMENDING SECTIONS 11-812 AND 40-360.03, 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 A THERMAL OR
3 NONTHERMAL ELECTRIC GENERATING UNIT IF THE OWNER OR OPERATOR OF THE
4 ELECTRIC GENERATING UNIT HAS APPLIED FOR AND RECEIVED A CERTIFICATE OF
5 ENVIRONMENTAL COMPATIBILITY FOR THE PROPOSED ELECTRIC GENERATING UNIT FROM
6 THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE, AND THE
7 CERTIFICATE IS AFFIRMED AND APPROVED BY AN ORDER OF THE CORPORATION
8 COMMISSION PURSUANT TO TITLE 40, CHAPTER 2, ARTICLE 6.2. THE OWNER OR
9 OPERATOR OF A NONTHERMAL ELECTRIC GENERATING UNIT MAY VOLUNTARILY APPLY
10 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY PURSUANT TO THIS
11 PARAGRAPH.

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

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

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

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

34 1. By a majority vote of all members make recommendations to the
35 board of supervisors for aggregate mining zoning districts and
36 administrative regulations as provided in this section. The board of
37 supervisors may adopt or reject the recommendations but may not make any
38 modifications to the recommendations unless the modification is approved
39 by a majority of the members of the recommendation committee.

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

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

5 F. Any administrative regulations adopted by a board of supervisors
6 pursuant to this section are not effective until the regulations are
7 approved by the state mine inspector. The STATE MINE inspector may
8 disapprove the administrative regulations adopted by the board of
9 supervisors only if they duplicate, conflict with or are more stringent
10 than applicable federal, state or local laws, rules or regulations. If
11 the STATE MINE inspector disapproves the administrative regulations, the
12 STATE MINE inspector must provide written reasons for the disapproval.
13 The STATE MINE inspector shall not make any modification to the
14 administrative regulations as adopted by the board of supervisors unless
15 the modification is approved by a majority of the members of the board of
16 supervisors.

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

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

36 I. For the purposes of this section:

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

38 2. "Aggregate mining" has the same meaning prescribed in section
39 27-441.

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

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

5 Sec. 2. Section 40-360.03, Arizona Revised Statutes, is amended to
6 read:

7 40-360.03. Application for certificate of environmental
8 compatibility before construction of facilities;
9 electronic format; rules; exception

10 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
11 section, every utility that plans to construct a plant or transmission
12 line, or both, in this state shall first file with the commission an
13 application for a certificate of environmental compatibility. The
14 application shall be in a form prescribed by the commission and shall be
15 accompanied by information with respect to the proposed type of facilities
16 and description of the site, including the areas of jurisdiction affected
17 and the estimated cost of the proposed facilities and site. The
18 application shall also be accompanied by a receipt that evidences payment
19 of the appropriate fee required by section 40-360.09. The commission shall
20 promptly refer the application and accompanying information to the
21 chairman of the committee for the committee's review and decision. The
22 application and accompanying information may be submitted to the
23 commission in an electronic format. The commission may adopt rules to
24 accept electronic filings under this section and to ensure that proper
25 notice is provided electronically to interested parties.

26 B. A utility may replace a conductor or wire on a transmission line
27 or may replace an existing transmission line structure or structures with
28 a new transmission line structure or structures without seeking a new
29 certificate of environmental compatibility and without holding a hearing
30 under this article if the replacement is on a transmission line that
31 previously received a certificate of environmental compatibility or that
32 was in use or authorized before August 13, 1971. All replacement
33 conductors or structures shall comply with the terms and conditions of the
34 applicable existing certificate of environmental compatibility.

35 C. A UTILITY MAY REPLACE AN EXISTING PLANT WITH A REPLACEMENT PLANT
36 OR CONSTRUCT A NEW PLANT IMMEDIATELY ADJACENT TO AN EXISTING PLANT WITHOUT
37 FILING FOR OR RECEIVING A NEW CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
38 FOR THE NEW OR REPLACEMENT PLANT IF ALL OF THE FOLLOWING CONDITIONS ARE
39 MET:

40 1. THE UTILITY PROVIDES TO THE COMMISSION THIRTY DAYS' WRITTEN
41 NOTICE AND HOLDS AT LEAST ONE PUBLIC COMMENT SESSION IN THE COUNTY WHERE
42 THE EXISTING PLANT IS LOCATED.

1 2. THE NEW OR REPLACEMENT PLANT IS LOCATED ON OR IMMEDIATELY
2 ADJACENT TO THE SITE OF A PLANT THAT HAS PREVIOUSLY RECEIVED A CERTIFICATE
3 OF ENVIRONMENTAL COMPATIBILITY PURSUANT TO THIS ARTICLE OR THAT WAS IN USE
4 OR AUTHORIZED BEFORE AUGUST 13, 1971.

5 3. THE AGGREGATE NAMEPLATE RATING OF ALL PLANTS THAT WILL BE
6 LOCATED ON AND IMMEDIATELY ADJACENT TO THE SITE AFTER CONSTRUCTION WILL BE
7 EQUAL TO OR GREATER THAN THE AGGREGATE NAMEPLATE RATING OF ALL EXISTING
8 PLANTS LOCATED ON AND IMMEDIATELY ADJACENT TO THE SITE BEFORE
9 CONSTRUCTION.