

## ORDINANCE NO. 9235 (NEW SERIES)

### AN ORDINANCE AMENDING INTERIM ORDINANCE 9235 TO ALLOW ENERGY PEAKER PLANTS WITHIN THE EAST OTAY MESA SPECIFIC PLAN AREA

The Board of Supervisors has previously adopted Ordinance No. 9235 restricting certain uses within the East Otay Mesa Specific Plan Area (EOMSP) in order to protect the potential for development of a high technology business center in this area and to prevent the development of potentially incompatible uses during the interim period. One of the uses prohibited within the High Technology District (Areas 1A and 1B) is "Major Impact Service and Utilities (1350)." "Major Impact Service and Utilities" has been interpreted to include energy peaker plants. Since the adoption of said interim ordinance the State of California has entered into a State of Emergency due to an electricity supply shortage. The governor has issued Executive Order D-22-01 proclaiming that the energy supply emergency poses a threat to public health, safety and welfare. This energy emergency supersedes the threat to the public health, safety and welfare posed by the development of energy peaker plants within the high technology district. This ordinance would allow energy peaker plants within the High Technology District.

#### Section 2. Prohibitions on Uses.

(a) Except as provided below, notwithstanding any provision of the text or diagrams of the East Otay Mesa Specific Plan, the Zoning Ordinance (including in particular Section 1019 thereof), the San Diego County Code, or any other provision of the ordinances or regulations of the County of San Diego, no County decision maker shall approve an application for a Major Use Permit, Minor Use Permit, Site Plan, Administrative Permit, grading permit, or building permit for a land development project that proposes any of the following uses within the following areas as shown on the map attached hereto as Exhibit "A".

#### Uses Prohibited Within High Technology District (Areas 1A and 1B)

- Agricultural Services (1420)
- Animal Sales and Services, Stockyards (1425)
- Animal Waste Processing (1730)
- Automotive and Equipment Cleaning (1430a)
- Automotive and Equipment Repairs, Heavy Equipment (1430d)
- Automotive and Equipment Repairs, Light Equipment (1430e)
- Automotive and Equipment Sales, Rental, Heavy Equipment (1430f)
- Automotive and Equipment Sales, Rental, Farm Equipment (1430g)
- Automotive and Equipment Storage Non-operating Vehicles (1430i)
- Constructional Sales and Service (1455)

Cultural Exhibits and Library Services (1330)  
Lodge, Fraternal and Civic Assembly (1348)  
Major Impact Service and Utilities (1350)  
Packing and Processing (1735)  
Small Schools (1370)  
Spectator Sports and Entertainment, General (1535)  
Sports and Recreation, Indoor and Outdoor (1505)  
Swap Meets (1540)  
Other uses unforeseen at the time of Specific Plan adoption as allowed by Major Use Permit in Section 3.2 of the East Otay Mesa Specific Plan.

Uses Prohibited Within General Industrial District (Areas 2A and 2B)

Animal Waste Processing (1730)  
Automotive and Equipment Storage of Non-Operating Vehicles (1430i)  
Recycling Collection Facilities (1512)  
Recycling Processing Facility (1513)  
Scrap Operations (1530)  
Other uses unforeseen at the time of Specific Plan adoption as allowed by Major Use Permit in Section 3.2 of the East Otay Mesa Specific Plan unless application for such use was filed with the County prior to June 21, 2000.

The prohibitions of this Section shall not apply to an application for the repair, reconstruction or continued operation of an existing use, building or structure. Energy peaker plants shall be exempted from the prohibitions of this section so long as the state of emergency proclaimed by the Governor on January 17, 2001, or any extension of said emergency exists.

Section 3. Effective Date

This ordinance shall take effect and be in force thirty (30) days after its passage and before the expiration of fifteen days after its passage, a summary here of shall be published once with the names of the members of the Board voting for and against in San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2001.