

County Counsel Impartial Analysis of Measure R

This measure placed on the ballot by petition signed by the requisite number of voter signatures proposes to amend and readopt Policy HS-6.9, which is contained within the Health and Safety Element (Section 9) of the San Benito County General Plan.

Currently, Policy HS-6.9 requires a buffer to be established between new sensitive land uses (such as residential subdivisions, schools, day care centers, hospitals and parks) and commercial facilities that “conduct bulk-scale receiving, unloading, handling, blending and/or loading of industrial and/or agricultural chemicals regulated as potentially hazardous by state and/or federal environmental protection agencies.” Policy HS-6.9 presently provides that a buffer shall be established on a case-by-case determination based on factors detailed in the General Plan.

If the measure is approved, Policy HS-6.9 would be amended to establish a 3.5-mile buffer zone between new sensitive uses of land and facilities that are authorized to receive, handle, blend or distribute bulk-scale amounts of chloropicrin, methyl bromide, or similar soil fumigants. This measure further defines “bulk-scale” as being in excess of 10,000 pounds at a given time.

The measure also amends the General Plan list of figures to include Figure 9-1: “Health and Safety Buffer”, which shows the location of the center of the 3.5 mile radius. The buffer zone in Figure 9-1 is centered on facilities currently operated by TriCal, Inc. adjacent to Hwy. 25 and the Union Pacific rail line, approximately .45 mi. east southeast of the Pajaro River boundary between San Benito and Santa Clara Counties, and only includes land within the jurisdiction of San Benito County. The circumference of the buffer zone extends past the intersection of Lake and Shore Roads to the east, encompassing the Frazier Lake Air Park. The zone extends approximately 1.6 miles southeast past the intersection of Shore Road and Hwy 25. To the southwest, the zone extends to a point along Hwy 101 approximately .5 mile north of the northern extent of the Betabel Road interchange.

The proposed amendment to Policy HS-6.9 also lists retail, office, hospitality, manufacturing, and other commercial or industrial uses as additional examples of new sensitive uses of land. The effect of the measure would be to prohibit development of new sensitive uses within the buffer zone so long as bulk-scale chemicals are permitted at the TriCal facility. This measure maintains the existing case-by-case provisions “[f]or all other commercial and industrial facilities that are authorized to receive, handle, blend or distribute bulk-scale amounts of regulated hazardous chemicals” that are not chloropicrin, methyl bromide, or similar soil fumigants. The measure also keeps limitations on the application of the buffer requirement to feed and supply stores, hardware stores, gas stations or similar retail facilities in the existing policy.

If adopted, this amendment to Policy HS-6.9 could only be further amended or repealed by a majority of vote of San Benito County voters. All other provisions of the County General Plan can be amended or repealed by the County.

A “Yes” vote is a vote in favor of amending the Health and Safety Element of the General Plan in the manner set forth in the measure.

A “No” vote is a vote against amending the Health and Safety Element of the General Plan in the manner set forth in the measure.

This measure will take effect only if a majority of those voting on the ballot measure cast a “Yes” vote at the November 8, 2022 election.

The above statement is an impartial analysis of Measure R. If you desire a copy of the measure, please call the election official's office at (831) 636-4016 and a copy will be mailed at no cost to you. You may also access the full text of the measure on the County Web site at the following Web site address, <https://sbcvote.us/registrar-of-voters/local-measures/>

s/ BARBARA J. THOMPSON
County Counsel