

County Counsel Ballot Title and Summary

Elections Code § 9105

INITIATIVE TO AMEND THE SAN BENITO COUNTY GENERAL PLAN HEALTH AND SAFETY ELEMENT POLICY HS-6.9: SENSITIVE USES NEAR INDUSTRIAL FACILITIES AND TO ESTABLISH A 3.5-MILE BUFFER AROUND CERTAIN FACILITIES.

The proposed initiative would amend the San Benito County General Plan Health and Safety Element Policy HS-6.9 to change the policy heading from “Sensitive Uses Near Industrial Facilities” to “Public Health & Safety Buffer Around Certain Industrial and Commercial Facilities.”

The proposed initiative would amend the policy to specify that a 3.5-mile buffer zone be established between sensitive uses and facilities authorized to receive, handle, blend or distribute bulk-scale amounts of chloropicrin, methyl bromide, or similar soil fumigants.

The initiative amends current General Plan Policy HS-6.9, which provides that a buffer be established between new sensitive land uses and commercial facilities that receive, handle, blend, load and/or unload bulk scale industrial and/or agricultural chemicals regulated as potentially hazardous by state or federal law.

Policy HS-6.9 would be amended to list retail, office, hospitality, manufacturing, and other commercial or industrial uses as additional examples of sensitive uses of land. Currently, Policy HS-6.9 lists residential subdivisions, schools, day care centers, hospitals, and parks as examples of sensitive land uses.

The initiative further defines “bulk-scale” as being in excess of 10,000 pounds at a given time.

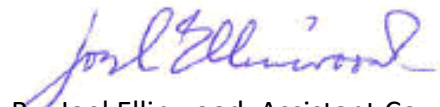
Figure 9-1: “Health and Safety Buffer” would be added to the General Plan, depicting the buffer that would be established by this Initiative. The buffer zone in Figure 9-1 is centered on the existing location of facilities currently operated by TriCal, Inc. adjacent to Hwy. 25 and the Union Pacific rail 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.

For any other commercial or industrial facility activities involving bulk-scale amounts of regulated hazardous chemicals an appropriate health and safety buffer would be established on a case-by-case basis consideration of factors already included in the existing policy HS-6.9.

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 would not be affected by the initiative measure.

The initiative includes certain findings (Section 2), implementation measures (Section 4) and specifications regarding the effect of any other measures on the same ballot (Section 5), as well as provisions concerning the interpretation, severability, and legal defense of the initiative in Section 6. Lastly, the initiative provides that if adopted, Policy HS-6.9 as amended could only be amended or repealed by a vote of a majority of San Benito County voters in an election held in accordance with state law.

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