

PERFORMANCE STANDARDS AND STANDARD CONDITIONS for Pilot Program Medical Cannabis Cultivation Sites

A person holding an effective Medical Cannabis Cultivation Operator Permit (“MCCOP”) pursuant to Chapter 6.106 of the Alameda County Ordinance Code shall comply with the following performance standards and standard conditions:

1. Limited Authorization. Permittee may conduct activities involving the planting, growing, harvesting, drying, curing, grading, or trimming and associated storage of cannabis, including but not limited to nursery operations, only at a site approved for cannabis cultivation pursuant to a conditional use permit.
2. Indoor or Mixed-Light Cultivation Only. All planting, growing, harvesting, drying, curing, grading, or trimming and associated storage of cannabis must occur within the interior of an enclosed, secured structure, such as a greenhouse or hoop house. Cannabis must not be visible from the exterior of the premises.
3. Maximum Cultivation Area. The maximum area permitted for growing cannabis plants, including both mature and immature plants, is limited to 22,000 square feet, inclusive, of total canopy size. The canopy includes all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site. Aisles and walkways shall not be included in the total canopy size, provided no portion of a cannabis plant extends into the aisle or walkway.
4. Operations Plan Required. All applicants shall, at the time of the application for a conditional use permit, include an Operations Plan with their application materials that addresses the following elements in sufficient detail for the County to evaluate the proposed cultivation operation against the requirements included herein:
 - a. Site Plan
 - b. Site Security Plan
 - c. Track and Trace Plan
 - d. Cultivation Operations Plan

10/4/17



- e. Worker Safety Plan
 - f. Cannabis Processing Plan
 - g. Waste Disposal Plan
 - h. Biological Assessment Report
5. No Dispensing. Permittee shall not dispense cannabis at the site, unless and until a dispensary permit pursuant to Chapter 6.108 of the Alameda County Ordinance Code is issued by the County permitting a dispensary to operate at the site.
 6. Track and Trace. Permittee shall institute a track and trace program to be approved by the Planning Director to ensure that cannabis cultivated at the site is dispensed only at a California dispensary. Unique identifiers shall be attached at the base of each plant and shall be traceable through the supply chain back to the cultivation site. Each permittee shall maintain records of each plant cultivated at the site and its ultimate destination.
 7. No Manufacturing. Permittee shall not manufacture cannabis products at the cultivation site.
 8. Testing. A cultivation site shall submit its cannabis products for analytical testing at an accredited testing laboratory, as defined in Business and Professions Code section 26001(at).
 9. Lighting. Permittees using artificial lighting shall shield structures, including greenhouses, so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Lighting that is visible from the exterior of the cultivation area is prohibited, except such lighting as is reasonably utilized for the security of the premises.
 10. Minimum Age. No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the cultivation operation. No person under the age of eighteen (18) shall be allowed on the premises. The entrance to the building area of the cultivation site shall be posted with a notice that states the restrictions on the presence of persons under the age of eighteen (18).
 11. No Ingesting Permitted. No cannabis shall be smoked, ingested or otherwise consumed on the cultivation site.
 12. Display Cultivation Permit. Each cultivation site shall conspicuously display the cultivation permit (MCCOP).
 13. Registry of Employees. Each permittee shall maintain a current registry of persons, including, but not limited to, employees, contractors and volunteers, who are regularly engaged in the operation of the cultivation site. The registry shall be provided to the Planning Director and the sheriff at

any time upon request. The registry shall include the name, current residential address, telephone number, date of birth and the height, weight and color of eyes and hair of each such person.

14. Criminal Background Checks. No person who has been convicted of a felony within the past three years may be actively engaged in the operation of any cultivation site. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
15. Safety and Security. Permittees shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. All safety and security measures shall be detailed in a Site Security Plan, which must be approved by the Sheriff's Office.
16. Compliance with State Law. Permittees must comply with all state statutes, regulations and requirements. Permittees must obtain and maintain any permit, license, certification or registration required by the state. Permittees must pay all required state taxes and fees. Compliance with all applicable requirements established by the following agencies is specifically required:
 - a. California Department of Food and Agriculture
 - b. California Department of Fish & Wildlife
 - c. California Water Quality Control Board
 - d. Bay Area Air Quality Management District
 - e. CALFIRE
 - f. California Department of Pesticide Regulation
 - g. California Environmental Protection Agency
 - h. California Franchise Tax Board
17. Compliance with Local Law. Permittees must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments. Permittees must obtain and maintain any permit, license, certification or registration required by a local agency or department. Permittees must pay all local taxes and fees. Compliance with all applicable requirements established by the following agencies and departments is specifically required:
 - a. Alameda County Public Works Agency
 - b. Alameda County Planning Department

- c. Alameda County Treasurer-Tax Collector
 - d. Alameda County Fire Department
 - e. Alameda County Agricultural Commissioner
 - f. Alameda County Environmental Health Department
 - g. Alameda County Sheriff's Office
 - h. Zone 7 Water Agency or other agency having jurisdiction over water supply and/or flood control
18. Inspections. Permittees must consent to periodic on-site compliance unannounced inspections to be conducted by appropriate officials. Inspections will initially occur four times per year, but the frequency and number of inspections may change at the discretion of the Planning Director.
 19. Fees. Permittees must timely remit payment for all application, program, and inspection fees.
 20. Conditions. Permittees must comply with any special conditions or conditions of approval applicable to the permit, parcel, or project.
 21. Fuels and Agricultural Additives. Storage, use and handling of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be in compliance with applicable state and local laws and regulations, and in such a way that prevents spillage.
 22. Noise. Permittees must comply with the County Noise Ordinance.
 23. Water. Water is to be sourced locally (on-site) and trucked water shall not be allowed for general cultivation purposes, but may be used for emergencies (e.g., fire).
 24. Employer Certification. Pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code section 26051.5, an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
 25. Labor Conditions. Permittees shall comply with all applicable federal, state, and local laws and regulations governing California agricultural employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the County Ordinance Code. The Permittee shall provide a copy of its labor peace agreement when the dispensary is required by California Business & Professions Code section 26051.5 to enter

into and abide by a labor peace agreement. A cultivation site must have restroom facilities that will accommodate both male and female staff.

26. Cultivation Liaison. The Permittee shall provide the Planning Director with the name, telephone number and facsimile number of a community relations contact to whom one can provide notice of problems associated with the cultivation site. The permittee shall make a good faith effort to resolve problems without the need for intervention by the County.

27. Processing Safety.

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. Employee Safety Practices.

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;

- 2) Emergency responder contacts; and
 - 3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
 - e. All Permittees shall, at the time of the application for a conditional use permit, include a Cannabis Processing Plan with all of the following:
 - 1) Summary of processing practices.
 - 2) Description of location where processing will occur.
 - 3) Estimated number of employees, if any.
 - 4) Summary of Employee Safety Practices.
 - 5) Description of toilet and handwashing facilities.
 - 6) Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - 7) Description of source of drinking water for employees.
 - 8) Description of increased road use resulting from processing and a plan to minimize that impact.
 - 9) Description of on-site housing, if any.

29. Waste.

- a. Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations.
- b. Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable state and local laws and regulations.
- c. Wastes from the production and processing of cannabis plants must be evaluated against the state's hazardous waste regulations to determine if those wastes are classified as

hazardous waste. It is the responsibility of each Permittee to properly evaluate their waste to determine if it is designated as a hazardous waste. If a Permittee's waste does qualify as a hazardous waste, then that waste is subject to the applicable management and disposal standards. A cannabis plant, usable cannabis, trim and other plant material in itself is not considered hazardous waste unless it has been treated or contaminated with a solvent.

- d. Cannabis byproducts or wastes that do not qualify as hazardous including but not limited to trim, roots, stalks, leaves, and stems, must either be rendered unusable prior to leaving the cultivation site or be fully accounted for in the Permittee's track and trace system.