



### Discussion

Topsoil production involves a variety of activities that, when not being done in conjunction with a mine or quarry, are more closely related to industries categorized under Major Group 32: Stone, Clay, Glass, and Concrete Produces. For example, SIC 3295: Minerals and Earth, Ground or Otherwise Treated covers “establishments operating without a mine or quarry and primarily engaged in crushing, grinding, pulverizing, or otherwise preparing clary, ceramic, and refractory minerals; barite; and miscellaneous nonmetallic minerals...” This activity falls under Division D: Manufacturing. (see October 18, 2000 RRC Minutes) Material processing facilities, which are a manufacturing land use and would include a topsoil mixing operation, are permitted in the M zone as an accessory to a mineral use. Continuation of materials processing after reclamation is also allowed with a conditional use permit.

On August 23, 2000, the RRC reviewed the question of whether mineral processing could occur in the M zone if none of the minerals were produced on-site. K.C.C. 21A.08.090A lists Mineral Extraction and Processing as a permitted use in the Mineral zone. The use of the word “and” means that the processing would have to be in conjunction with the excavation of on-site minerals for it to be allowed. K.C.C.21A.08.090.B.11 allows for continuation of processing after mining has been completed and the site reclaimed with a conditional use permit.

SIC 1499, the basis for the original RRC decision applies to “establishments primarily engaged in mining, quarrying, milling or otherwise preparing nonmetallic minerals, except fuels.” All of the over seventy activities listed in SIC 1499 are different forms of mining or quarrying operations, except three. The exceptions are peat shredding, grinding and screening. These are processes associated with peat mining to manufacture peat moss.

### Conclusion

Topsoil mixing that is not being done as an accessory to a mineral use would be considered a manufacturing use and would not be allowed under 21A.08.090. Topsoil mixing in the M zone could be allowed as a material processing facility in the M zone but would require a conditional use permit.