

27—60.85(208) Criteria for variance application and approval.

60.85(1) *Application for variance.* A complete application for a variance must include:

- a. Site name, registration number, and location by county, township, range, section and quarter section.
- b. A copy of an aerial photograph or a topographic map of the site on an 8½- × 11-inch page, in a scale not less than 1 to 24,000 (2½" to the mile), showing the areas to be affected by the proposed encroachment.
- c. A reclamation plan which will address the final grading and revegetation for the area in question and a statement as to the postmining land use.
- d. Name, address, and telephone number for current owner or owners of property adjacent to the area for which the variance is being requested.
- e. Estimated time period when the mineral extraction will occur.
- f. A brief narrative stating why the variance is being sought and how adverse effects of mining will be mitigated.
- g. Other information requested by the division as needed for clarification.
- h. Additional bond, if determined to be necessary by the division.

60.85(2) *Criteria for approval of a variance.* A variance filed with the division shall be approved or disapproved within 30 days of receiving a completed application for a variance.

In either approving or disapproving the variance request, the division will consider the reclamation plan, the postmining land use, the effects on the adjacent properties, the extent to which reclamation requirements are being met, and other relevant factors.