



Jess L. Greenwood, P.E.
Public Works Director – County Engineer

2140 Pioneer Road
Red Wing, MN 55066
Office: (651) 385.3025

TO: Honorable County Commissioners
Scott Arneson, County Administrator

FROM: Jess L. Greenwood, Public Works Director

RE: 21 October 2025 County Board Meeting – REGULAR AGENDA
Board of Commissioners Reconsideration of an Access Variance along CR 42 in Zumbrota Township

Date: 16 October 2025

Summary

The Goodhue County Board of Commissioners, at their last regularly scheduled meeting, requested to hear additional testimony from Mr. Josh Betcher concerning a variance for a driveway access to his property.

Background

On June 24, 2025, Joshua Betcher applied for an access permit (permit attached). The parcel (PID 470120100) has one existing access, and the owner requested a second access. The permit was denied due to spacing requirements outlined in the County's Access Management and Control Ordinance. Upon denial Mr. Betcher applied for a variance.

On September 2, 2025, the County Board scheduled a public hearing in accordance with the provisions of the Access Management and Control Ordinance, which outlines a process whereby landowners can apply for variances. The public hearing was held on September 16, 2025. On a 4-1 vote, the Board granted the variance thereby approving the issuance of a permit. In communicating with Mr. Betcher, staff advised him that no work should commence in the right-of-way until an approved permit was issued. The permitting process would have instructed Mr. Betcher on proper construction specifications for the access, particularly with the regard to the County right of way. A permit had not been issued when it was noticed that Mr. Betcher had nearly completed construction of the access. The Board met again on October 7, 2025, at which time staff provided the Board with information related to Mr. Betcher's construction of the driveway without a permit and information related to potential business use of the property that was not included in the initial application. That memo is attached for reference. A formal motion was made to reconsider the variance with a request from the Board to have Mr. Betcher speak to them at the October 21, 2025, meeting. That motion carried and the issue is now before the Board for consideration. Mr. Betcher has been advised of this action and that he will be allowed to address the Board on October 21st.

Staff met and visited with Mr. Betcher, on October 14, 2025, concerning the driveway that has been installed and issues that need to be addressed, if the access is allowed to remain. The conversation revolved around discrepancies with the culvert size and type, the need for the driveway to slope away

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from the road and be a half foot lower than the shoulder at 20 feet from the shoulder of County Road 42, and that the surfacing type would need to be a class 5 aggregate. The driveway width was acceptable as well as the slopes that were constructed. Mr. Betcher and the contractor that built the driveway asked about potential ditch cleaning adjacent to the driveway and whether that would be acceptable. It was explained that during a driveway construction process that ditch cleaning would be acceptable to ensure positive drainage and that Goodhue County routinely allows that activity as part of the permit.

In the process of reconsideration, the Goodhue County Access Management and Control Ordinance specifies when a variance may be granted. The language from that document follows:

Subd. 2 Variances

The Goodhue County Board of Commissioners shall have the authority to grant variances from the requirements of this ordinance.

- C. *A variance to the provisions of this ordinance may be issued to provide relief to the land owner in those cases where the application of the strict letter of the ordinance imposes particular hardship or practical difficulties to the property owner in the use of this land. A variance may be granted only in the event that the following circumstances exist:*
1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties and result from lot size or shape, topography, or other circumstances over which the owners of the property since the enactment of this ordinance have had no control.*
 2. *That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.*
 3. *That the special conditions or circumstances do not result from the actions of the applicant.*
 4. *The variance requested is the minimum variance which would alleviate the hardship.*
 5. *The variance would not be materially detrimental to the purposes of this ordinance.*
 6. *Economic conditions or circumstances alone shall not be considered in the granting of a request.*

All six listed circumstances, according to the ordinance, need to exist for a variance to be granted. Reviewing these items would be prudent during the Board's reconsideration of the access.

Alternatives

- Continue discussion with Mr. Betcher, review the matter fully, and determine whether to rescind the initial motion approving the variance request or not.

Recommendations

- It is the recommendation of staff that the County Board continue discussion with Mr. Betcher, review the matter fully, and determine whether to rescind the access or not. If the motion is rescinded, the board may take alternative action on the variance request such as denying the variance, approving with conditions, or postpone consideration to a future meeting with direction to staff. If the motion is not rescinded or postponed, staff will continue to work with Mr. Betcher through the permitting process in order to meet construction standards and fix issues with the current installation.

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PERMIT FEE REC'D
DATE: 07/01/25
CK# 2237
BY: J2

ACCESS PERMIT APPLICATION
Single Residence/Agricultural/Commercial
Permit Fee: \$140.00 (Non-Refundable)

Land Owner/Applicant's Name: Joshua Betcher

DENIED

Current Address: 23830 County 42 Blvd Mazeppa MN 55956

Street Address

City

State

Zip Code

Phone Number: 5076963074

Email: jb.farms@hotmail.com

Proposed Access Location: approximately 500 ft ☐ North ☐ South ☐ East ☒ West from the intersection of

County 42 Blvd and 240th ave on the: ☐ North ☒ South ☐ East ☐ West
(County Road) (nearest intersecting road)

side of CSAH/CR # 42 in Section 12 of Zumbrota Township

Purpose of Access: ☐ Residential ☒ Agricultural ☐ Commercial

Use of Access: ☒ New Access ☐ Change in Use ☐ Widen Current Access

Has a County/City Building Permit been applied for? ☐ Yes ☒ No ☐ None required

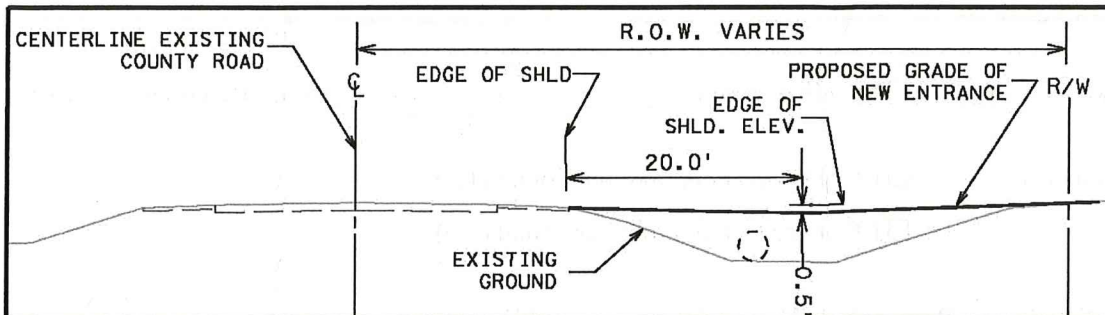
Do you have all required approvals from Land Use Management for your improvement? ☐ Yes ☒ No

Parcel Number: R47.12.0100- 470120100 Number of existing accesses: 1

Is this parcel a new sub-division or a parcel split: ☐ Yes ☒ No If Yes, has it been recorded? ☐ Yes ☐ No

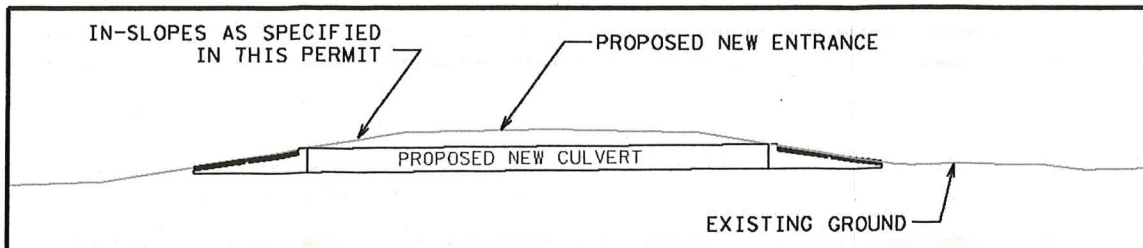
CONSTRUCTION SPECIFICATIONS

- Access entrances shall be a maximum width of 24 feet for residential use; 32 feet for agricultural/commercial use.
- At a distance of 20 feet from the shoulder of the road, the centerline of the access shall be constructed 1/2 foot lower than the shoulder elevation. (See Diagram Below).



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- In-slopes on all newly constructed access locations shall not be steeper than specified below (See Diagram Below).



- All access entrances shall intersect with the road at an angle not less than 70 degrees at a distance not less than 20 ft from the shoulder of the road.
- The County shall establish the size and length of the culvert when needed.
- Only new corrugated metal or standard concrete culverts meeting MN/DOT Standard Specifications shall be installed.
- Approaches are to be constructed of clean fill materials, free of large rocks, timber and other debris.
- Any changes, improvements, or alterations to an access entrance will require an additional permit. Permits are access specific.
- Permit is valid for **60 days** from permit approval date, after which this permit shall become null and void.

LANDOWNER'S RESPONSIBILITIES

1. The Land Owner is responsible for contacting Gopher State One for utility locates at (800) 252-1166 prior to any excavation.
2. The Land Owner is responsible for the costs of all culverts, aprons, grates and materials for the access.
3. The Land Owner is responsible for the maintenance of the access surface from the road shoulder to the right-of-way line.
4. The Land Owner is responsible for turf establishment, blend disturbed are to match surrounding right of way. Sod or seed mixture shall match the adjacent undisturbed vegetation.
5. The Land Owner is responsible for the removal of existing access, when required, by the date specified on this permit.
Failure to do so will result in the removal of the access by county personnel at the expense of the Land Owner.
6. The Land Owner will be responsible to make improvements to or remove the new access if it does not meet the specifications of this permit. The Land Owner will incur all costs of such.

PROPOSED ACCESS LOCATION

MUST BE STAKED - FAILURE TO DO SO MAY RESULT IN AN ADDITIONAL \$50.00 FEE!
ALLOW 7 (SEVEN) TO 10 (TEN) DAYS FOR PERMIT PROCESSING

I/WE hereby make application to Goodhue County for permission to construct, widen, and /or change the use of an access as described on this permit. I have enclosed the required **application fee of \$140 (non-refundable)**. If approved, I agree to construct the access, **within 60 days of approval**, according to the **specifications listed on this permit** in conjunction with the requirements established by the Goodhue County Access Control Management Ordinance adopted by the Goodhue County Board.

Date 6/24/2025 Signature  Land Owner

DO NOT WRITE BELOW THIS LINE

Culvert Required: ☐ Yes ☐ No Size/Length _____ Aprons Required: ☐ Yes ☐ No

In-Slope Requirements: ☐ 1 foot vertical to 3 foot horizontal (1:3)
☐ 1 foot vertical to 6 foot horizontal (1:6)

Removal of Existing Access Required: ☐ Yes ☐ No If Yes, Remove By: _____

Permit Approved DENIED Date _____
Goodhue County Public Works

Inspection Date _____ Approved _____
Goodhue County Public Works

The County reserves the right to temporarily remove or repair the access for county purposes. In this event, the County will return the access to as good or better condition than prior to the work.



Jess L. Greenwood, P.E.
Public Works Director – County Engineer

2140 Pioneer Road
Red Wing, MN 55066
Office: (651) 385.3025

July 25, 2025

Joshua Betcher
23830 County 42 Blvd
Mazeppa, MN 55956

RE: Access Permit Application Review

Dear Mr. Betcher,

Goodhue County Public Works is in receipt of your application for an additional access at your residence (PID 470120100).

After reviewing your application, it has been determined that the request is denied. The Goodhue County Access Ordinance in section 5, subdivision 2, table 5.2 requires a minimum distance between access points of 550 feet with a standard distance of 725 feet. Your requested access location does not provide for the appropriate amount of spacing.

Please let me know if you have any questions concerning the denial of your request. I can be reached by calling 651-385-3025.

Sincerely,

Jess Greenwood

Jess L. Greenwood, P.E.
Director / County Engineer



509 W. 5th Street
Red Wing, MN 55066
goodhuecountymn.gov

MEMORANDUM

TO: Goodhue County Board of Commissioners

FROM: Jess Greenwood / Public Works
Megan Smith / Land Use

DATE: September 29, 2025

SUBJECT: Josh Betcher Driveway Access & Land Use

PUBLIC WORKS SUMMARY:

At the September 16, 2025, regularly scheduled Board of Commissioners meeting Public Works staff presented a variance request for Mr. Josh Betcher who resides at 23830 County 42 Blvd. After hearing staff's Board report a motion to enter Public Hearing was made, seconded, and voted on. The Board of Commissioners heard testimony from Mr. Josh Betcher regarding his need for a second access to tax parcel 470120100. The original permit request made to Public Works was denied based on the current Access Management and Control Ordinance's spacing requirements. Mr. Betcher spoke at the public hearing and expressed his concerns about the safety issues he believes exist due to the current spacing requirements in the Access Management and Control Ordinance. Once concluding his remarks and the Board providing ample opportunity for others to speak to the requested variance, the Public Hearing was closed and the Board continued discussion and through procedural norms, approved the variance request.

Sometime later that same day Mr. Betcher contacted Public Works staff asking for a culvert sizing that would be appropriate for the new access. Staff made Mr. Betcher aware that constructing a driveway would have to wait until an approved permit was issued to him and that one would be provided after the Board of Commissioners approved their minutes on October 7, 2025.

Staff stopped by Mr. Betcher's residence on Wednesday, September 23rd to review the location for the new driveway and to appropriately size what would be required for a culvert, but the driveway had already been installed. Measurements were taken to determine compliance with driveway standards, but several issues were noted that will require reconstruction including the removal of the culvert that was installed and improperly sized.

Find your Good here.

The following day, September 24th, a utility permit was reviewed and approved for the installation of 3-phase power along County Road 42 to a large shed on Mr. Betcher's property (see map). The Land Use Department was contacted to inform them of this utility installation.

LAND USE SUMMARY:

The Goodhue County Land Use Department is investigating a potential zoning violation on this property related to the use of land for business purposes without obtaining proper zoning approval. On Sept. 24, 2025, staff became aware of a business use being advertised on the property, Gustafson Engineered Solutions LLC.

Although still under active investigation, the following questions need to be addressed: 1) what exactly is the business, 2) when did it start operating and 3) how many square feet in the building is dedicated to the business? Based on these answers, either a Tier 2 or Tier 3 home business permit is required. Tier 3 permits require an application for an interim use permit, public hearing, review by the Planning Advisory Commission and final approval or denial by the County Board. Based on the initial assessment by Zoning Staff, it indicates the presence of a Tier 3 home based business, due to the size of the structure being used for business purposes. Tier 2 home-based businesses can occupy up to 3,400 square feet of indoor space. A Tier 3 home based business cannot exceed 7200 sq. ft. of gross floor area. Traffic, loading, and parking considerations are a factor in granting approval of home-based businesses. The shed being used is approximately 7,500 square feet.

Below is a summary of known information:

- Address of potential violation – 23830 Co 42 Blvd, Mazeppa, MN
- Tax Parcel 47.012.0100
- Name of Business - Gustafson Engineered Solutions LLC
- Property zoned A1
- Building Permit Status: An agricultural building permit was issued by the County in 2014 for an "ag shed" that is 50 x 150 feet (7,500 sq. ft). No change of use permit was filed, nor any additional building permit application to remodel the interior of the building.
- No Land Use Permit or CUP/IUP has been applied for to allow a home-based business

Within the next week, Land Use staff will determine how much indoor space is being used for the home-based business, and determine what permits are required to bring the property into compliance.

Find your Good here.

CONCLUSION:

Staff would like to make sure that the Board of Commissioners is aware that several inconsistencies with Mr. Betcher's testimony exist with respect to the need for the additional driveway and use of parcel 470120100. It was mentioned by staff, during the public hearing, that maintaining conformance with the Access Management and Control Ordinance is very important as use of the property over time by other potential owners could change. The driveway that was approved by variance was to be for an agricultural use with limited daily trips. If a commercial use of this driveway is the actual intended use there should have been more information provided to staff and the Board of Commissioners. There could potentially be a much higher number of vehicles entering and exiting this location daily if used as a business driveway, which could trigger the need for modifications to the roadway.

A standard process would have been to work through the Land Use Department to obtain a CUP/IUP by working through the Planning Advisory Committee and in that process, all required steps to operate a business including working with the Public Works Department for parcel access would have been identified.

CONSIDERATIONS:

The Goodhue County Board of Commissioners could consider this option for the matter, if they so choose:

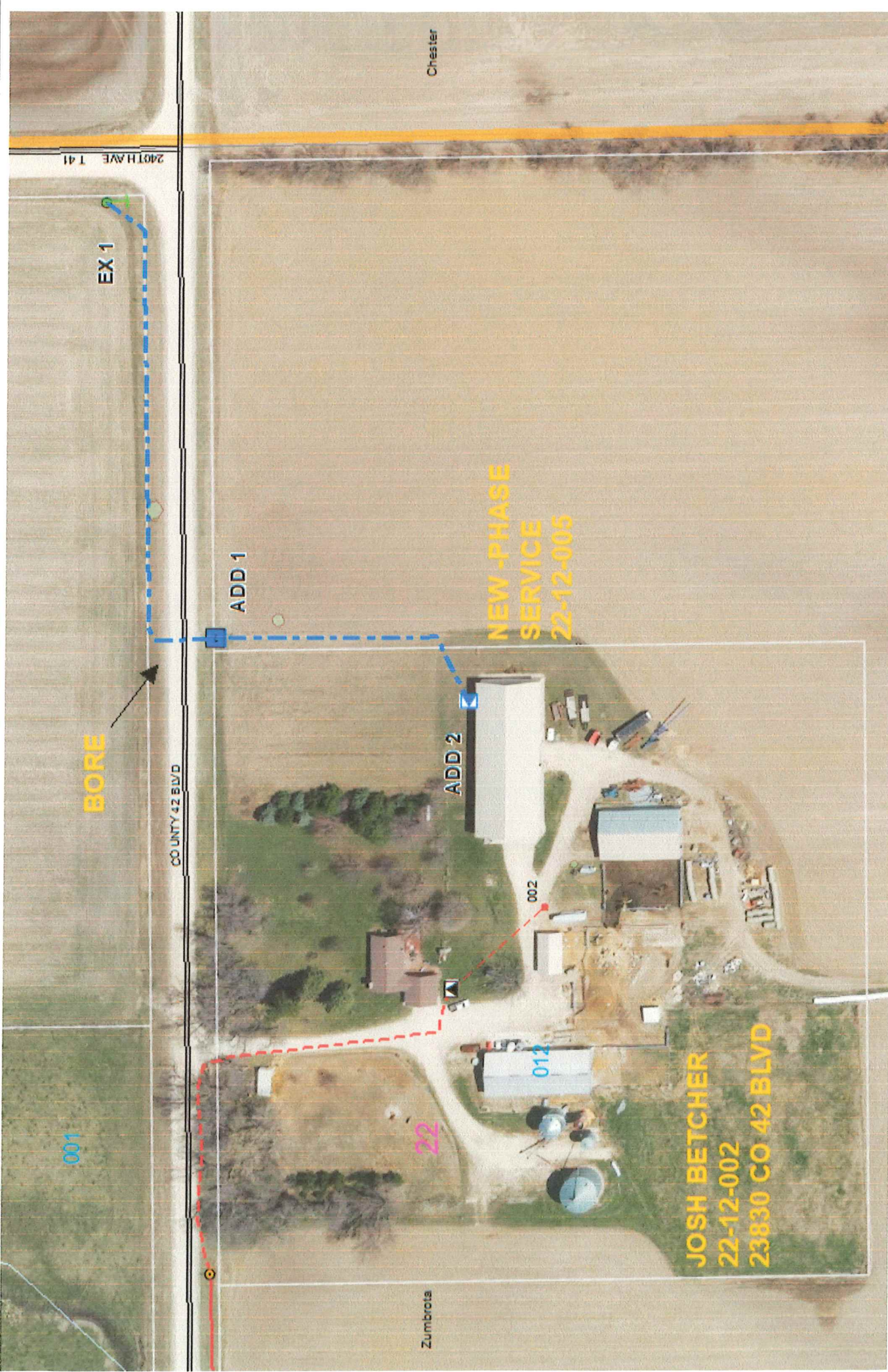
- Approve the Board of Commissioners minutes from the previous meeting; and a commissioner who voted with the prevailing side makes a motion to reconsider. Provided that the motion to reconsider receives a second by another commissioner who voted with the prevailing side, then debate is reopened prior to voting on the issue.

If a motion to reconsider passes by majority vote, then a Board member who voted with the prevailing side could make a motion to rescind. Provided that the motion to rescind receives a second from a Board member who voted with the prevailing side, then debate would be reopened prior to calling for a vote. A 2/3 vote is required to pass the motion to rescind without previous notice given.

Respectfully,

Jess Greenwood, P.E.
Public Works Director / County Engineer

Megan Smith
Land Use Management Director



W.O. #150220
T. Krohn 8/2025
GCCFA

Intro

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