



City of Blaine

City Council Workshop

January 5, 2026 | 5:30 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

- 1. Call to Order**
- 2. Roll Call**
- 3. New Business**
 - 3.1.** 2026-001 SBM Fire Department - Quarterly Update
Sponsors: Daniel Retka, Fire Chief
 - 3.2.** 2026-002 Conditional Use Permit (CUP) Discussion I
Sponsors: Sheila Sellman, Community Development Director
 - 3.3.** 2026-003 Accessory Dwelling Unit (ADU) Discussion II
Sponsors: Sheila Sellman, Community Development Director
- 4. Other Business**
- 5. Adjournment**



City of Blaine Staff Report

File Number: 2026-001

Agenda Date

January 5, 2026

Status

In Control

City Council

File Type

Workshop Item

New Business - Daniel Retka, Fire Chief

Agenda Item # 3.1

SBM Fire Department - Quarterly Update

Background

Chief Retka will provide City Council with a quarterly update.

Staff Recommendation

Questions for Council

Attachment List

None



City of Blaine Staff Report

File Number: 2026-002

Agenda Date	Status
January 5, 2026	
In Control	File Type
City Council	Workshop Item

New Business - Sheila Sellman, Community Development Director

Agenda Item # 3.2

Conditional Use Permit (CUP) Discussion I

Background

Conditional Use Permits (CUPs) are a common zoning application considered by the Planning Commission and City Council. When either approving or denying a conditional use permit, the City Council must make specific findings based on language in the zoning code. In the past several years, staff have recognized ambiguity in the existing code language and would like to discuss with council whether the language should be more direct. Additionally, staff are proposing language regarding CUP extensions.

State Statute 462.3595 permits certain land uses as conditional uses under zoning regulations. To approve a CUP, the proposed use must meet the standards and criteria outlined in the local ordinance. Conditions may be attached to the CUP to address and mitigate potential concerns related to the proposed use or location. Section 101-4 of the Blaine Zoning code outlines the criteria, process and revocation of CUPs. Though Minnesota Statutes authorize the ability for cities to address CUPs, cities are allowed the ability to set their own criteria for considering CUP requests.

The zoning ordinance currently has a one-year expiration of CUPs, if the conditional use or construction has not commenced within one year. The City Council has received some renewal/extension requests from applicants for additional time to progress with their project. Many times applicants are not able to start operating or begin construction because of delays with other agencies, weather issues, presence of rare plants or wetland delineation timing, etc. Staff suggests the addition of language related to the expiration of CUPs and allows the CUP to expire in two years instead of one year. Below is proposed language for discussion:

1. CUP's become null and void unless construction commences within two (2) years, unless the City Council approves a different time period or before the expiration of the two-year period and the applicant submits a written request for an extension. Such a request for an extension shall include the following:

- An explanation for why the authorized use has not commenced.
- What, if any, good-faith efforts have been made to commence the authorized use.
- The anticipated commencement date for the authorized use.
- The signature of the applicant and property owner.

2. Council shall consider the following findings to grant an extension:

- The zoning and/or land use of the parcel has not changed.
- The zoning code still lists the use as conditional.
- There have not been any changes to any adjacent properties that may impact the conditional use criteria listed in Section 101-4 (a).

Section 101-4 (a) lists the findings to approve a CUP as follows:

- (1) The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- (2) The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district.
- (3) The use shall have an appearance that will not have an adverse effect upon adjacent properties.
- (4) The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
- (5) The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6) The use shall not be in conflict with the comprehensive plan of the City.
- (7) The use will not cause traffic hazard or congestion.
- (8) The use shall have adequate utilities, access roads, drainage and necessary facilities.

State statute does not provide the findings required in order to approve/deny a CUP. Each city adopts these findings through their zoning code. Staff proposes to revise the findings to enhance clarity and reduce subjectivity, making it easier to determine whether the use complies with the criteria. The proposed changes are below. Underlined is new language. Staff requests Council to review these changes and bring back questions/comments/concerns at a future council workshop.

(1) Public infrastructure and services. ~~The use shall not create an excessive burden on~~ Existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area shall be able to absorb any additional demand created by the use.

(2) Compatibility. The use will be located, designed, maintained, and operated to be compatible with adjoining properties. ~~and the existing or intended character of the zoning district.~~

~~(3) The use shall have an appearance that will not have an adverse effect upon adjacent properties.~~

~~(3)(4) Health and safety. The proposed use shall not negatively impact the health, safety and general public welfare~~ The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.

~~(4)(5) Zoning.~~ The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.

~~(5)(6) Consistency with the comprehensive plan.~~ The use shall not be in conflict with the comprehensive plan of the City.

~~(6)(7) Traffic. The use will not cause traffic hazard or congestion. The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.~~

~~(8) The use shall have adequate utilities, access roads, drainage and necessary facilities.~~

Staff Recommendation

Provide feedback and direction on extending the timeline as presented. Staff requests council review proposed criteria language for a future workshop discussion.

Questions for Council

1. Does the City Council agree to changing the expiration of CUPs from one year to two years?

Attachment List

1. Conditional Use Permits - League of Minnesota Cities



Land Use Conditional Use Permits

Published: May 10, 2021

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from the League's Research staff.

Conditional use

A conditional use is a land use the city permits in a zoning district only when the applicant meets certain standards. The zoning ordinance typically sets out:

- General standards that apply to all conditional uses, and
- Specific standards that apply to a particular conditional use in a given zoning district.

A use is typically conditional because of:

- Hazards inherent in the use itself, or
- Special problems that its proposed location may present.

For example, cities often designate uses that generate traffic (such as family child care, service stations, convenience stores, or drive-thrus) as conditional uses.

Conditional use permit

A conditional use permit (CUP) is a document. A city issues a permit to allow a conditional use when the applicant meets the general and specific ordinance standards. The permit allows the use only if the applicant addresses the standards set forth in the zoning ordinance. State law authorizes conditional use permits ([Minn. Stat. § 462.3595](#)).

General CUP standards

A zoning ordinance typically details general standards that apply to all conditional uses. For example, an ordinance might require all conditional uses to conform to the comprehensive land use plan of the community, be compatible with adjoining properties, and be served by adequate roads and public utilities.

Specific CUP standards

Many zoning ordinances will also set out specific standards for a particular conditional use, such as businesses operating a drive-thru. Specific standards often address off-street parking and loading areas, landscaping and site plan, and hours of business operation.

Granting conditional use permits

Generally, cities may only grant CUPs for uses specifically listed in the zoning ordinance as conditional uses in a particular zoning district.

If a use is not designated as a conditional use in a zoning district, then arguably the city may not issue a CUP without first amending the zoning ordinance to provide for the conditional use. This would, of course, allow other applicants to apply for a conditional use permit under the same standards.

Who grants a CUP

Planning commissions often first consider the CUP application and make recommendations to the city council. State statute allows the city council to assign its CUP approval to another authority. Some cities designate the planning commission as the approving body but typically the city council approves a CUP.

Required approval

If a proposed conditional use satisfies both the general and specific standards set out in the zoning ordinance, the applicant is entitled to the conditional use permit. If the applicant meets all the ordinance standards, the city usually has no legal basis to deny the CUP.

60-Day rule

A written request for a CUP is subject to Minnesota's 60-day rule. It must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is considered an approval (Minn. Stat. § 15.99).

Other conditions on permits

A city may attach reasonable conditions relating to the ordinance standards to a CUP based upon factual evidence contained in public record. For example, if a zoning ordinance says a conditional use should not have adverse visual or noise impacts on any adjacent property, a city might require specific screening and landscaping conditions to address any potential impacts established in the record.

Time limits not permitted

State statute says a CUP remains in effect as long as the conditions agreed upon are observed (Minn. Stat. § 462.3595, subd. 3). The attorney general says time limits, such as sunset provisions or automatic annual review, are not consistent with state law, explaining that cities may not enact or enforce provisions that allow a city to terminate CUPs without regard to whether the conditions agreed upon are observed (A.G. Op. 59-A-32 (February 27, 1990)).

If a city wishes to place time constraints on particular uses, the appropriate zoning tool is an interim use permit, not a conditional use permit. State law authorizes interim use permits for:

- A temporary use of property until a particular date;
- Until the occurrence of a particular event; or
- Until zoning regulations no longer permit it (Stat. § 462.3597).

Public hearings

The city may allow a proposed conditional use only after a statutorily required public hearing (Minn. Stat. § 462.3595, subd. 2). The city must provide published notice of the time, place, and

purpose of the hearing on a proposed CUP at least 10 days prior to the day of the hearing. If the decision affects an area of five acres or less, the city may need to mail notice to property owners within a 350-foot radius of the land in question. The purpose of the public hearing is to help develop a factual record as to whether the applicant meets the relevant ordinance standards such that the CUP should be granted ([Minn. Stat. § 462.357, subd. 3](#)).

City role in hearing

A city exercises “quasi-judicial” authority when considering a CUP application. This means the city’s role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards. If the applicant meets the standards, then the CUP should be granted.

In contrast, when the city designates certain uses as conditional in the zoning ordinance the city is exercising “legislative” authority and has much broader discretion.

[Learn more about conducting public hearings in the League’s Zoning Guide for Cities](#)

Role of neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a CUP. While city officials may feel their decision should reflect the overall preferences of residents, their task is limited to evaluating how the CUP application meets the ordinance standards. Residents can often provide important facts to help the city address whether the application meets the standards, but unsubstantiated opinions and reactions to an application are not a legitimate basis for a CUP decision. If neighborhood opinion serves as the sole basis of the decision, it could be overturned by a court if challenged.

Documentation of hearing

Whatever its decision, a city should create a record that will support it. If a city denies a CUP application, the 60-day rule requires the reasons for the denial be put in writing. Even if a city approves a CUP, a written statement explaining the decision is advisable. The written statement should address the general and specific ordinance standards and explain the relevant facts and conclusions.

[For information on creating a record, see *Taking the Mystery Out of Findings of Fact*](#)

Conditional use permit after issuance

A conditional use permit is a property right that “runs with the land.” That is, it attaches to and benefits the land and is not limited to a particular landowner ([Minn. Stat. § 462.3595, subd. 3](#)). State statute requires CUPs be recorded with the county recorder’s office ([Minn. Stat. § 462.3595, subd. 4](#)). When the property is sold, the new landowner will have the continued right to the CUP so long as the conditions are met.

A city can revoke a conditional use permit if there is not substantial compliance with conditions. The revocation must be based upon factual evidence, after appropriate notice and hearing. Because a CUP is a property right, a city should work closely with the city attorney if considering a CUP revocation.

Your LMC Resource

Jed Burkett

Loss Control/Land Use Attorney

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City of Blaine Staff Report

File Number: 2026-003

Agenda Date	Status
January 5, 2026	
In Control	File Type
City Council	Workshop Item

New Business - Sheila Sellman, Community Development Director

Agenda Item # 3.3

Accessory Dwelling Unit (ADU) Discussion II

Background

History

May 2021 – City Council was presented with a variety of affordable housing programs at a City Council retreat. At that time, the City Council directed staff to move forward with down payment assistance, home improvement grants, expanded home improvement loans, rental property improvement loans and allowing Accessory Dwelling Units (ADUs). Part of this discussion included peer cities that allowed ADUs at that time. Several additional cities have adopted ordinances since then that allow ADUs under similar circumstances to Blaine.

July 2021 – City Council Workshop to discuss the specifics of the ADU ordinance and determine standards to bring forward as part of a zoning ordinance amendment. This included the size of the ADU, number of occupants, design, and setbacks. City Council also determined that attached ADUs should be allowed as a permitted use, but detached ADUs in suburban density districts require a CUP to allow for mitigation of neighborhood concerns.

November – December 2021 – Ordinance reviewed by the Planning Commission with a public hearing and adopted by the City Council.

May 2025 - Council denied CUP for a detached ADU.

June 2025 - City adopted a moratorium on ADU's.

The current code allows attached ADUs in all single-family districts with staff-issued administrative building permits. Detached ADUs are allowed in most districts through various mechanisms as outlined in the table below.

District	Attached ADU	Detached ADU
FR, RE	Administrative Building Permit	Administrative Building Permit
R-1, R-1AA, R-1A	Administrative Building Permit	Conditional Use Permit
R-1B	Administrative Building Permit	Not Permitted
DF	Administrative Building Permit	Requires CUP Amendment to Development

Currently, either the primary home or the ADU must be owner-occupied and either can be rented out with a standard rental license. At the May council meeting, some council members commented that the intent of the ADUs was to be Intergenerational and be used by family members. If council wants to continue to allow ADUs and wants to limit the use to family members, the ordinance would need to be amended accordingly. Additional comments at the meeting were about maintaining the single-family character of the neighborhood. Council should discuss the overall intent of ADUs, if they should still be allowed, and provide direction to staff on any ordinance changes.

Standards for both attached and detached ADUs are outlined in the current attached ordinance. Also attached is a previous PowerPoint that summarizes the current ordinance and a table of peer cities' ADU policies.

Staff Recommendation

Provide direction to staff on any changes to the ordinance.

Questions for Council

1. Does the Council want to continue allowing accessory dwelling units?
 - a. If so, attached and/or detached?
 - b. Should there be lot size minimums?
 - c. Limited to the owner's family members?
 - d. Are there any other limitations?

Attachment List

1. Sec._129_23
2. 2021 Powerpoint
3. Peer Cities ADUs

Sec. 129-23. Standards for accessory dwelling units.

(a) *Generally.* **Accessory dwelling units (ADUs) must comply with the following standards:**

- (1) Either the home or the accessory dwelling unit shall be occupied by the owner of the property. Owner occupancy requirement shall be recorded to the property.
- (2) Utilities for the home and ADU shall not be separately metered and water and sewer shall be connected to the same lines as the home.
- (3) Home and accessory dwelling unit together must have at least three off-street parking spaces that can be directly accessed. Parking spaces may be garage spaces or paved, outside parking spaces. A parking space located on a driveway in front of a garage cannot meet the requirement.
- (4) ADUs may not include more than two bedrooms.
- (5) Occupancy of the ADU is limited to up to two adult individuals, whether related or unrelated, and the parents and children of each, if any, residing in the same dwelling unit and maintaining a common residence with no more than one person per 150 square feet.
- (6) No home occupations involving outside customers coming to the property shall occur in the accessory dwelling unit.
- (7) No more than one accessory dwelling unit permitted per property.
- (8) Accessory dwelling units must meet all architectural standards of the zoning district, including any standards established by conditional use permit in the Development Flex zoning district and be consistent in color and material to the home.
- (9) The home and accessory dwelling unit are considered separate dwellings for the purposes of rental licensing and a rental license is required when either the home or accessory dwelling unit is occupied by someone other than the owner of the property or a member of the owner's family.
- (10) The home and the accessory dwelling unit must remain on the same parcel. The parcel may not be divided through any means, including, but not limited to, filing of a plat, a waiver of platting, or a common interest community.
- (11) Accessory dwelling units must be located on a permanent foundation.

(b) **Standards for attached ADUs. Attached ADUs must comply with the following standards:**

- (1) Allowed as a permitted use in the R-1, R-1A, R-1AA, R-1B, RE, FR, and DF districts when accessory to a single-family home with an administrative permit.
- (2) Must meet living space setbacks.
- (3) No more than one door may be located on the front façade of the home unless designed in a manner to minimize the visibility from the street of the second door, subject to zoning administrator approval.
- (4) Maximum size of 50 percent of the finished square footage of the primary residence or 960 square feet, whichever is less in the R-1, R-1A, R-1AA, R-1B, and DF districts. Maximum size of 50 percent of the finished square footage of the primary residence or 1200 square feet, whichever is less in the RE and FR districts.
- (5) Noise abatement standards of 129-19 apply to attached ADUs if located southeast or northeast of the county airport or within 500 feet of any arterial roadway.

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- (6) The home and ADU are considered a two-family home for the purpose of application of the state residential code unless the home and the ADU are connected by a passageway at least 40 inches in width without a door.
- (c) **Standards for detached ADUs. Detached ADUs must comply with the following standards:**
- (1) Allowed as a conditional use in the R-1, R-1A, and R-1AA, and a permitted use with an administrative permit in the RE and FR districts.
 - (2) Must be located in the rear yard.
 - (3) Maximum size of 50 percent of the finished square footage of the primary residence, 25 percent of the square footage of the rear yard, or 960 square feet, whichever is less in all zoning districts except RE and FR. Maximum size of 50 percent of the finished square footage of the primary residence, 25 percent of the square footage of the rear yard, or 1,200 square feet, whichever is less in the RE and FR districts.
 - (4) Detached accessory dwelling units are not permitted on properties with detached accessory buildings, unless the ADU is constructed as part of the same structure as the accessory building.
 - (5) The footprint of accessory dwelling unit and any attached or detached accessory structures may not total more than 1,200 square feet in size in the R-1, R-1A, R-1AA zoning districts, 2,000 square feet in the RE district, and 3,000 square feet in the FR district. If an accessory dwelling unit is located above a garage, the footprint of the accessory dwelling unit and the garage is counted once, not one time for the garage and one time for the accessory dwelling unit.
 - (6) The detached accessory dwelling unit shall be architecturally compatible with the principal structure.
 - (7) Must meet a ten-foot setback from side and rear lot lines in the R-1, R-1A, and R-1AA districts, 20-foot setback from side lot lines and 30 feet from rear lot lines in RE and FR districts.
 - (8) The detached accessory dwelling unit must be at least 15 feet from the principal structure.
 - (9) The accessory dwelling unit shall not exceed the height of the principal building.

(Code 2004, pt. 3, § 33.25; Ord. No. 21-2489, 12-20-2021)



Accessory Dwelling Units Draft Ordinance

City Council Workshop

October 4, 2021

Accessory Dwelling Units (ADUs)

Definition:

A separate living unit that is subordinate to a single family home.



Process by District



District	Lot Size	Attached ADU	Detached ADU
FR	5+ acres	Administrative Permit	Administrative Permit
RE	2.5+ acres	Administrative Permit	Administrative Permit
R-1, R-1AA, R-1A	10,000+ sf	Administrative Permit	Conditional Use Permit
R-1B	15,000+ sf	Administrative Permit	Not Permitted
DF	Varies (7,000 sf to 5 acres)	Administrative Permit	Requires CUP Amendment

Occupancy Requirements



- ◆ Owner occupancy of the home or ADU.
- ◆ ADU occupancy is limited to two adults and the parents and children of each, not to exceed one person per 150 square feet.
 - Limiting to three people without tying to unit size does not comply with the Fair Housing Act which protects related people living together.
- ◆ Home and ADU are considered separate units for rental licensing.
 - Rental license required unless occupied by owner or relative.

Size Standards



- ◆ Size is limited to the lesser of:
 - 50% of the square footage of the home.
 - 1200 square foot home could add on a 600 square foot ADU or convert a portion, such as 400 square foot ADU and 800 square feet remaining in primary home.
 - 960 square feet.
 - 25% of the rear yard (detached ADU only).
 - Garage and detached ADU together may not exceed the maximum accessory building square footage allowed with a CUP (1,200 in R-1, 3,000 in FR).
- ◆ In all cases, limited to a maximum of two bedrooms.

Design Standards



◆ Attached:

- Meet living space setbacks of the zoning district.
- No more than one door on front façade unless designed to minimize visibility.
- Fire separation is required by the Minnesota Residential Code in most circumstances.

Design Standards (continued)



◆ Detached:

- Be located in the rear yard.
- 10-foot setback from side and rear yard in R-1 districts, greater in rural districts.
- 15-foot setback from home (required for fire separation).
- Architecturally compatible.
- A detached garage or shed is not allowed if the property has a detached ADU.

Other Standards

- ◆ Combined utilities.
- ◆ Three total parking spaces.
- ◆ No home based businesses with customers coming to ADU.
- ◆ Cannot subdivide to have ADU on separate lot.



Peer City ADU Policies

City	Process	Occupancy	ADU Size	Attached/Detached	Parking	Lot Size	Other
Brooklyn Park	Not allowed						
Burnsville	No special approval	Home or ADU must be occupied by property owner	Max 50% of home square footage. Minimum of 300 square feet.	Attached or detached	2 off street parking spaces for home, 1 for ADU	10,000 SF for attached	Requires doors to have minimum separation
Coon Rapids	Not allowed						
Eagan	Annual registration	Home or ADU must be occupied by property owner	960 sf or 33% of home, whichever is less. Minimum of 300 square feet.	Attached		Only allow in district with 16,000 sf lot size	Max 2 bedrooms, entry door on separate façade
Eden Prairie	Not allowed						
Lakeville	Administrative Permit			Attached, with an internal access (non-lockable)	3 garage stalls total between home and ADU	None	
Maple Grove	Not Allowed						
Minnetonka	CUP	Home or ADU must be occupied by property owner	35% of home or 1,000 SF, whichever is less	Attached or detached	Determined with CUP	None	Detached only in R-1 or R-1A. Larger ADUs can be approved at Council's discretion
Plymouth	Administrative permit	Home or ADU must be occupied by property owner	30% of rear yard max of 700SF (detached) or 30% of floor area of home up to 1,000 SF (attached)	Attached or detached	2 stalls for ADU	None	
Woodbury	Not allowed						

