

**2026 Legislative Priority Proposal**  
**Updated: 9/15/25**

<b>Amending Board of Adjustment Requirements for Counties</b>	
<b>Larimer County (Commissioner Jody Shadduck-McNally)</b>	
Preferred Contact:	shaddujl@co.larimer.co.us
Co-Sponsoring Counties/Commissioners:	N/A
Who is your subject matter expert?	Rebecca Everette, Director of Community Development; everetrd@co.larimer.co.us
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Describe the problem your proposal will solve.	C.R.S. 30-28-117 and 118 require Colorado counties to provide for a Board of Adjustment to review variances and appeals to zoning regulations. This is in addition to requirements for a Planning Commission and Board of Appeals (for building permits). The statutory requirements are overly prescriptive and result in both administrative costs and customer impacts when the Board is unable to fulfill its duties. In Larimer County, we are particularly challenged to fill the required number of seats and maintain quorum for hearings.
Areas of Impact:	Day-to-day operations of the county; General community advancement; Unfunded mandate/fiscal responsibility.
What is the ultimate source of this problem?	Outdated statute.
What is your initial proposal to solve this problem?	The proposed solution is to revise the language in C.R.S. 30-28-117 and 118 to: 1.) Establish a minimum number of board members (3) but remove the current maximum (5); 2.) Remove the requirement for a concurring vote of a supermajority on all appeals; and 3.) Allow a Planning Commission, Board of Appeals, Board of County Commissioners, or hearing officer to fulfill the role and functions of a Board of Adjustment (rather than requiring a separate body). An alternative solution could be to remove the requirement for a Board of Adjustment altogether and allow counties to handle variances and appeals in whatever way best fits their established processes.

Please provide sample language for this solution.	<p>C.R.S. 30-28-117</p> <p>(1) The board of county commissioners of any county which enacts zoning regulations under the authority of this part 1 shall provide for a board of adjustment of three or more members and for the manner of the appointment of such members. The function and duties of the board of adjustment may be fulfilled by the county's planning commission (see 30-28-103, C.R.S.), board of review (see 30-28-206, C.R.S.), board of county commissioners, or an appointed hearing officer in place of a standalone board.</p> <p>(4) Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. The chairperson, or in their absence the acting chairperson.</p> <p><b>Supplemental Material:</b> <a href="#">See expanded revisions with strikethroughs here.</a></p>
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	No - the statutory language is explicit and constrictive in not allowing room for alternative approaches.
Has CCI or any other organizations sought a solution to this problem before?	Not to our knowledge.
What possible organization(s) would <b>support</b> your proposed solution?	Other statutory counties, possibly homebuilder groups and housing advocates.
What possible organization(s) would <b>oppose</b> your proposed solution?	None identified.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	No.
What are the financial implications of this <b>problem</b> to your county?	The county bears additional administrative costs to support a board with limited scope and functionality. Because it is difficult to recruit the required number of members and maintain a quorum of at least 4 members per meeting (out of a 5 member board), meetings are frequently canceled at the last minute, which causes delay and financial hardship to variance

<p>Are there any financial implications to this <b>solution</b> either?</p>	<p>applicants and appellants. It is also a significant waste of resources and staff time when the meetings are cancelled last minute due to a lack of quorum.</p> <p>The solution could save costs for the county by allowing the Board of Adjustment functions to be absorbed by another established body. This would also increase predictability and reduce wait times (and therefore costs) for community development customers.</p> <p>This solution supports the goal of reducing unnecessary barriers to housing production.</p>
<p>What are the financial implications of this <b>problem</b> to any other impacted parties?</p> <p>What are the financial implications of this <b>solution</b> to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i></p>	<p>See above.</p>
<p>Staff Feedback</p>	<p>This proposal would be far less difficult than the others under consideration. Updating Board of Adjustment rules is largely an administrative and governance matter, not a new tax or revenue stream. Some concern may come from land use attorneys, developers, or citizen groups who prefer the checks and balances of a separate Board of Adjustment could arise.</p> <p><u>Time Commitment:</u> While less controversial than fiscal proposals, it will still require stakeholder outreach to developers, planners, and citizen groups to ensure support and avoid it being cast as reducing public accountability. Low-to-moderate difficulty. Compared to tax or classification changes, this proposal is far more achievable, though it requires careful framing around local control, efficiency, and modernization.</p>