

Meeting Notes – **ADU Open Forum**
Westridge Estates Board Meeting
Tuesday March 3rd, 2026

Location: 4711 Valley Ridge Ct – Invite ACC, neighborhood for ADU discussion 7 PM

Notes approved by:

Attendance (Board, Architectural Control Committee aka ACC, 10 residences):

Board members: Michael McBride (primary speaker for the board), Elsa Nervik, Kelley Branson, Kevin DeGarmo, Bart Prose

ACC Committee members Peter Ulrich (primary speaker for the ACC), Susan Shattuck, Scott Griffin (recused from decision making)

Neighbors: Linda Hair, Dean & Sandy Schilling, Lee Evans, Teresa Morgan, Don Wilkinson, Linda Kennedy, Caroline Prose, Denise Nervik, Gary Callahan

For next steps and action items see the end of this document. Deadline for feedback is 3/13/2026

Introduction – Michael McBride

Colorado has enacted a new law, allowing small Accessory Dwelling Units, ADUs, separate from the primary house. **ADUs are not rentable.** This was enacted June 2025. We know this would be a big topic which is why we have modified our normal approval process to bring in neighborhood participation and feedback. (See notes from Annual meeting 2025 for specifics)

The Griffins have put in a request for an ADU. The ACC vetted the plans and location and have recommended to the Board for approval. Normally the Board elects the ACC Committee. The ACC fields all building or landscaping changes as part of covenants. We have been following this process for 35+ years. We have had to make updates and modernization throughout the years. The committee has done an incredible job of maintaining continuity.

Because this is a big decision, the Board will make the final decision for this project. The request is before the board. We want to make a careful decision.

Open Forum – Q&A format

Peter Ulrich

The state Law trumps our covenants. For example: The covenants say, “no antenna.” The state passed a law that says by law it's required to allow them. So our covenant is not longer applicable. We agree it makes the covenants difficult to use and understand.

Peter noted that the ADU may not be rented separately from the home as the two are meant to be for a single family.

Q: Why can't the covenants be updated and approved?

A: (corrected response) It takes a 75% approval vote by the entire community to update the covenants, AND the approval of the original Declarant “*as the Declarant owns a Lot within the Property.*” (KIM

H. KAZAN, Western Development Group,). He does not own any properties in the HOA at this time.

Here is the context of the covenants:

ARTICLE XI. GENERAL PROVISIONS

*Section 4: Amendment. This Declaration may be altered or amended in whole or in part at any time the then record Owners of seventy-five percent (75%) of the Lots so elect through a duly written and recorded instrument; provided, however, that this **Declaration may not be amended without the written consent of the Declarant**, so long as the Declarant owns a Lot within the Property. The provisions of this Declaration pertaining to the maintenance of the Roads may not be altered or amended without the written approval of the Board of County Commissioners of Larimer County or a municipality should the Property be annexed to such municipality at a future date.*

Q: Sandy Shilling - What does the state say about garages? One car would decrease the footprint of the ADU.

A: The ADU has to have off street parking. Our covenants require a 2 car garage minimum. We can say an ADU must have it's own garage. "Every living unit must have a garage." could be a modification by discretion.

Q: What is the difference between and an ADU and an ALA?

A: They are the same, the ALA term is the same, it predates the use of ADU.

Feedback: We don't want ADUs in the neighborhood

A: The law is the law until it changes – it trumps our covenants. Legally saying "I do not want an ADU in the neighborhood" isn't tenable.

Comments

It would be nice to decrease the area required for garages for ADUs.

Caroline Prose - Concerned that this will degrade the rural character of the neighborhood. We have all this open space now, its why we moved here. We don't want it to change the character. It may affect the views.

Response: This may be true – but we do not have the luxury of not following the law. Any homeowner can add an addition regardless and this will conform to the covenants. From the "right of view" the impact would be the same.

Scott Griffin

I'm recused from this decision. Gary put out a comprehensive summary – And I agree with what he's saying regarding the law. Peter has put together how we can build ADUs within the character of our neighborhood. **The ACC's #1 concern is to insure the additions or ADUs keep the neighborhood character consistent.** We do need to consider extra vehicles and traffic.

There is a lawsuit (posted on the website) which will probably go to the Supreme Court of CO. Where the ADU law will probably be overturned. But it doesn't matter right now as it is the current law.

For Betty Sunkel's house – the primary view is unaffected. The Secondary view would be impacted. She has had that view a long time. Does the right to build on my property mean there would some kind of payment made between the two properties?

My drawing is a quick rendering, the new building will match the existing home. My home will still be my home. My wife is moving into Memory care. My children are moving into my home. They don't want me to sell it. It will still be a one family home. I'm building a small home for myself.

As a concession to Betty – We could change the roof from 8 12 to a 6 12 she said if it was lower, it would be better. This would give her the view of the plains, I would lose attic space – Board would have to approve. It would bring the roof lower by 2.5 feet, but will not match the existing home.

Peter Ulrich

The 6 12 roof proposal would be an exception to the HOA guidelines for the roof line within the existing covenants. We have made this exception before, but not when it was so visible. It's certainly something to talk about. The 8 12 looks better. Because this is a separate living area it's defined as an ADU, but really we are talking about an addition.

We should start writing ACC Guidelines around ADUs; what looks good, what fits in with the neighborhood. It will probably be a rare occurrence. You can depend on the ACC to protect us from a double wide in the driveway!

The real question is what happens down the road. Every time we have done restrictions, they were undone by laws. Example: You can not rent – law says you must, but may disallow short term rentals. In all likelihood there is a 2-3 year window for ADUs.

Don Wilkinson

We just moved in last year. We looked at over 35 houses first and this is the best neighborhood in Fort Collins. We asked the Realtor, “Can additions be built,” and she said no. With 25-30 year old homes it seemed stable and mature. Now this is setting a precedence that there will be building all over. We paid a lot for our home. This is disappointing.

Gary Callahan – What is the remediation when the law is stricken? (added to list for review)

Complaint - Mimi has people on the street parking. The HOA doesn't do anything about it.

A: All you have to do it complain to Larimer County. The HOA can not do anything about it. The county has laws, but they have not been taking any action. The HOA has no jurisdiction. There are some things we can't do anything about.

Q: If this is the law (ADUs) then what do we need to do?

A: We are allowed to enforce “reasonable restrictions” Peter went through all of the covenants and has already started outlining the new ACC guidelines or perhaps it will be an amendment. The new ADU does not get a vote, they need to have the same masonry, parking, and visual requirements. We can incorporate it into our existing requirements. The ADU would match the original home.

We have to set criteria, what sets the character of our neighborhood. Things are progressing. We now have multi-generational households. In 15 years, we won't be around. They will buy in and ultimately it has to be addressed. The best we can do is maintain the structure and provide clear guidelines to follow.

Q: Can the Board champion the water issues? New homes will just make it worse than it is now.

A: The county requires a building permit request to be filed with approval from the relevant agencies for sewer and water permits already approved by those agencies.

Q: Does the ADU get a post office box? (add to list of questions)

Statement: Should be up to a vote for the neighborhood.

A: (Addition) Mailboxes are ONLY assigned to addresses. Only a property may have an address. One property can not have 2 addresses. (two properties may have the same address) So if an ADU wants a separate PO box they would have to purchase this elsewhere.

The state law is what it is until it is overturned – there is no remedy. We have been able to talk things through and do our best to mitigate. No one wants this to change the neighborhood. We have had pressure over the years to change the covenants. We've never been able to get consensus. It's a very slow process to change the covenants.

Q: Not looking at the Griffin home, but what are we doing long term?

A: That is not the long term, as to what it means for us it's the next 5 or 10 that are requested.

Q: The decision has already been approved?

A: This proposal has been approved by the ACC. Our covenants say the ACC has the authority to approve. We the board, select, and delegated authority to the ACC. But for this decision we have added a layer of board review and an approval process. (also requires 3 ACC votes, and Scott has recused)

Comment : If the board says so. . .

A: The board is going to violate the law, so this is a mute point. All this, we can discuss what we do for the long term. There is a specific proposal that has checked all the boxes for approval. The board has been asked to approve. The board can:

- Reject the proposal with a specific reasons
- Accept the current proposal

- Accept a proposal with modifications

The Board is charged with taking care of the neighborhood. We could ask for specific landscaping for example. This vote is on a specific proposal. It is also setting precedent. If someone else wants to build an ADU they will need to go through the approval process. We should anticipate this and have a clear, transparent plan.

We want to be open, neighborly, and judicious. We'll spend some \$ for legal opinions as needed. Peter is right about the approval process for the ADU. We are working to balance competing priorities.

Next Steps

All of the documents related to ADUs will be posted on the website. They will have ** in front of the name, so they will sort to the top. I'll send out a table of contents with links to the relevant materials in a recommended reading order.

Send comments and feedback to e.nervik@gmail.com before Friday March 13th.

Feedback will be compiled and reviewed. The board will review, seek legal advice on outstanding questions, and make a decision before the end of the month.

Additional Follow up Action Items for the Board / ACC

Status of KIM H. KAZAN	In process Elsa	https://westerndevelopmentgroup.com/
Question – Traffic Management Plan – consider increased number of vehicles and traffic	Board Review	Paid by property taxes, PID assessment will go up with increased home value. Evaluate as needed???
Question – Who pays for the roads?	Board Review	PID fund based on properties assessed values, will go up with an ADU
Question – Would the annual dues increase?	Board Review	Dues cover specific costs associated with running the HOA and maintaining the open spaces and neighborhood sponsored events. Voted on annually. Majority of the expenses are not population driven.
Question – how many votes per property?	Board Review	Bylaws say One – no justification to change as # of owners will not change.