

**MORGAN COUNTY PLANNING COMMISSION**  
**August 11, 2025**

The Morgan County Planning Commission met on Monday, August 11, 2025, at 6:00 P.M. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Chairman, Nathan Troudt, Vice Chairman, Erik Mohrlang, Britt Dinis, Dave Musgrave, Robert Pennington and Julie Padilla were present. Rob Chilson was absent. Nicole Hay, Administrative Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician and IT Director, Karol Kopetzky also attended.

**APPROVAL OF AGENDA:**

It was moved by **Dave Musgrave** and seconded by **Erik Mohrlang** to approve the Agenda as presented. Motion passed 5-0. **Julie Padilla** was absent at the time of vote.

**APPROVAL OF MINUTES:** Minutes from July 14, 2025

At this time **Julie Padilla** was present.

It was moved by **Britt Dinis** and seconded by **Dave Musgrave** to approve the Minutes as presented.

**Erik Mohrlang** asked to amend the motion to include Part 1-Dardanes Special Use Minutes as presented since the Minutes were separated into Part 1 and Part 2 and done separately by **Jenafer Santos** writing Part 1-Dardanes Special Use Minutes and **Cheryl Brindisi** writing Part 2-CK2 Cattle Company, LLC Special Use Minutes. **Cheryl Brindisi** had recused herself from the July 14, 2025 Dardanes Special Use hearing.

Motion passed 5-0. **Robert Pennington** abstained from the vote due to recusing himself from the Dardanes Special Use hearing on July 14, 2025.

It was moved by **Robert Pennington** and seconded **Britt Dinis** to approve the Part 2-CK2 Cattle Company, LLC Special Use Minutes as presented.

Motion passed 5-0. **Erik Mohrlang** abstained from the vote due to recusing himself from the CK2 Cattle Company, LLC Special Use hearing on July 14, 2025.

**NEW BUSINESS:**

**Amended Special Use**

**PROCEDURAL:** Chairman **Nathan Troudt** read the hearing process for the meeting.

**Planning Administrator, Nicole Hay**, read the file summary as follows:

**LANDOWNERS and APPLICANTS: City of Fort Morgan**

The City of Fort Morgan has submitted an application to amend its special use permit, which was originally granted through Resolution 95 BCC 8. The original SUP was issued for a new wastewater treatment plant. The amendment would allow for its update and expansion.

The current permitted area is in a part of the SE¼ of Section 34, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 18169 County Road 22, Fort Morgan, Colorado. The property is zoned Agriculture Production, is in the Fort Morgan Fire District, and a portion of the property is located in the Special Floodplain Hazard Area (SFHA), Zone AE.

Along with several changes and upgrades internal to existing buildings and equipment there are proposed additions to the site that include:

- Addition of a splitter box
- Splitting the 2 large existing biological nutrient reactor (BNR) basins into 4 smaller BNR basins and adding a 5<sup>th</sup> one.
- Expansion of the main building connecting a new blower room
- Adding a third clarifier
- Removal of discharge weir.
- Adding a maintenance garage
- Adding a digester
- Expanding the solids handling building.

The proposed overall construction activities will go through October 2027.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

*The property is located in the north central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:*

*Ensure that adequate and financially secure public utilities are provided to all developments in Morgan County and to develop essential facilities and services which contribute to providing high quality of life for the residents of Morgan County. The expansion and update of the wastewater treatment facility will allow and encourage development within the growth management area of Fort Morgan.*

- B. All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

*The application satisfies this criteria.*

- C. The site plan conforms to the district design standards of these Regulations.

*The site plan satisfies this criteria.*

- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

*The operation impacts are expected to be minimal. The City of Fort Morgan and Merrick & Company as the engineer are in conversations with the Upper Platte and Beaver Canal to discuss any improvement that can be made to mitigate groundwater impact on the project.*

- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

*Adjacent uses include Interstate 76 right-of-way to the north and farmland to the south on the other side of the of the Upper Platte and Beaver Canal. The current use is not changing and the facility has been there since 1995.*

- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.

*The purpose of this project is to protect public health and the environment by treating wastewater prior to discharge to the South Platte River.*

- G. The special use proposed is not planned to be developed on a non-conforming parcel.

*The proposed special use is located on a conforming parcel.*

- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

*CDPHE has issued regulatory restrictions on the South Platte River pertaining to nutrient removal and limiting water quality degradation. The facility's upgrade allows its ability to meet the current and future regulatory requirements. Adequate financial resources are available to implement the project and the applicant has paid all fees.*

- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

*Water for human consumption is currently available and will not change.*

### Recommendation

The application generally meets the criteria as explained above and staff recommends approval of the application subject the following conditions:

1. The Applicant shall submit the updated CDPHE permit to the Planning Department within 10 days of receipt.
2. The Applicant shall supply any agreement made with the Upper Platte and Beaver Canal to the Planning Department within 10 days of execution of such agreement.
3. Prior to the commencement of construction, the Applicant will enter into a road use agreement with the Morgan County regarding the maintenance of County Road 22 during construction. Such agreement must be approved by the Board of County Commissioners.
4. Prior to commencement of construction, the Applicant shall obtain a building permit through the Building Department.

Nicole Hay,  
Morgan County Planning Administrator

At this time Nicole added that Morgan County Planning and Zoning had received a letter today from the Colorado Department of Wildlife commenting on the application and this was added as additional information to the packet as well as forwarded to the applicants.

**Brent Nation, City Manager for the City of Fort Morgan, 304 Main St, Unit B, Fort Morgan, CO. 80701, and Andrew Stewart, Merrick & Company, 1645 Haywood Place, Fort Collins, CO 80526,** presented this application to the Planning Commission.

**PLANNING COMMISSION DISCUSSION:**

**Robert Pennington** asked for the applicant's response to the CPW comments received today.

**Brent Nation** explained that the City of Fort Morgan is aware that eagles are in that area. The project area is far enough away from the eagles that they should be able to work with CPW's recommendations to not do construction during certain months of the year. They also commented about wetlands and the City of Fort Morgan has already gone through wetland concerns as part of the process with the State.

**Andrew Stewart** noted that the tightest part of the timeline is they have approval from the State of Colorado to line part of the Beaver Canal so that they don't have influence on the ground water. There is a short period of time that they will be able to accomplish this and also consider the bald eagles nesting timeframe and the ditches water schedule.

**Robert Pennington** asked if any of the buildings are within the floodplain.

**Andrew Stewart** explained the process and reasoning of why the buildings are located in the floodplain.

**Dave Musgrave** asked if they will need to haul in dirt?

**Andrew Stewart** answered no and explained that they have a "No Rise" in the floodplain area.

**Robert Pennington** asked if their CDPHE permit goes above and beyond the requirements?

**Andrew Stewart** stated that they are 2 feet above the 100 year and 1 foot above the 500 year.

**Dave Musgrave** asked if the City is aware of the fire hazard from the brush and overgrowth in the wetland?

**Brent Nation** explained that the City has contended with of this for the last 30 years. They have a Quality Water tap and a larger capacity well out there and hydrants. They also maintain around the facility.

**Dave Musgrave** pointed out that the Special Use map showed Co Rd 32 and not Co Rd 22. This will be updated to reflect Co Rd 22.

**Erik Mohrlang** asked if there will be an increase in smell? He also clarified that the overall footprint of the facility doesn't appear to be increasing by that much.

**Brent Nation** explained in further detail the process to mitigate the smell. He also explained that it is designed to stay in the same area.

**Nathan Troudt** asked how many years is the facility projected to function before another expansion is needed if this application is approved?

**Andrew Stewart** explained in further detail the many factors that play a role in that determination.

**Dave Musgrave** asked if Western Sugar will send their effluent to this facility?

**Brent Nation** explained that negotiations concerning this matter have ceased between the City and Western Sugar. Western Sugar is currently viewing other options.

**Erik Mohrlang** asked what are the plans for construction mitigation on Co Rd 22?

**Andrew Stewart** explained that there will be some increase in traffic on Co Rd 22 from Highway 34 to the treatment plant. He described the plans for dust mitigation and road maintenance.

**Dave Musgrave** asked if any solids are hauled out of the plant to another location?

**Brent Nation** explained that the City of Fort Morgan owns a parcel of land to the east a 1/2 mile from the treatment facility and that is where they do land application of any bi-product removed from the facility. Dennis Bostron is the farmer for that parcel of land and he grows corn on it. The Health Department has requirements that must be met and testing for anything grown on that parcel. This process will not change and will continue.

**Erik Mohrlang** asked if that farm will continue to take that increase in bio solids?

**Brent Nation** explained that for right now, yes. The City has had conversations with Dennis Bostrom about the future of the land application. Brent noted that the 2 largest plants in Fort Morgan process their own waste and do not utilize the City of Fort Morgan's Waste Water Treatment Facility. The flows into our facility are consistent and the growth is fairly small.

#### **PUBLIC COMMENT OPEN:**

**In Favor:** None

**Opposed:** **Gary Foos, 18172 Co Rd 22, Fort Morgan, CO 80701.** Had questions about the sludge application on the back 22 acres. The City used to inject it into the soil but now it is piled up. Gary says that it does have odor. They spread it onto the field but haven't disced it into the dirt and it typically lays there throughout the summer. Gary asked why it was changed from injection to piles?

**Brent Nation** was unsure of why it is not injected anymore.

**Robert Pennington** asked Gary Foos if he has seen it piled up similar to the way farmers do with cow manure and is it applied similar?

**Gary Foos** noted that it is piled but since it is looser it runs and settles in a larger area.

**Nathan Troudt** asked if there was odor when it was injected?

**Gary Foos** noted that when it was transported via truck and injected there was minimal smell due to it being covered up.

**Britt Dinis** asked how often do they deliver solids? Are they delivered to a pile?

**Brent Nation** said that solids are delivered on a regular basis. It's on a routine basis almost every week. The solids are delivered to a pile, which is consistent with their approvals from the State Health Department.

#### **PUBLIC COMMENT CLOSED:**

#### **PLANNING COMMISSION DISCUSSION:**

**Nathan Troudt** asked the applicants if they have plans to change or consider the solids handling process since they have heard this information from Mr. Foos?

**Brent Nation** noted that he cannot commit to making any changes but they can look into it. He was unaware that any of the process was changed. He was a Utility Director, before being the City Manager and he remembers the manure was piled up. Brent noted that they can look into this matter.

**Erik Mohrlang** asked if the manure can be sent to other farms or just the current one?

**Brent Nation** noted that regulatory it must be sent to that one designated parcel.

**Andrew Stewart** described the process that would need to take place in order to move the solids to another location. Andrew reiterated that the "farm" is not this property.

**Britt Dinis** asked who decides the way that this is applied to the land? The farmer? Is it all cash rented or a contract?

**Brent Nation** confirmed that the farmer has a contract with the City of Fort Morgan to farm the land. The reason that it is not all corn is because the crops must be rotated. As the soil is tested, that determines what can be grown on it. The Colorado Health Department has certain rules in order to farm with human excrement.

**Britt Dinis** asked if human solid waste has a regulatory timeframe of how long a pile can sit there?

**Brent Nation** noted that there is a timeframe. He also explained that as one end of the pile is removed and processed the other end receives the most recent solids removed from the facility.

**Andrew Stewart** explained that it also needs to sit and digest for a minimum of 45 days. Andrew explained that with this facility upgrade it should help to further improve the digestion process of the solids breakdown, however, it may not remove the smell. They can always investigate mitigation alternatives and try to see if there are other solutions to help with the concern raised by Mr. Foos.

**Brent Nation** mentioned that they weren't planning on any major changes to the sludge application process and that is why the City of Fort Morgan didn't pursue those changes in this Special Use application.

**Dave Musgrave** noted that on a past visit to the site he recalled that he was informed that the bugs would breakdown the solids and the water would be processed in the end and then go back to the river.

**Brent Nation** explained that the facility has always had a digester. The centrifuge, that produced the sludge bi-product, was updated to a screw press system. Part of the process does include bugs that help breakdown and part of it has to go through the digester. The product that comes from the digester than goes through the screw press.

**Dave Musgrave** asked if their system was set up on SCADA?

**Brent Nation** explained that they are on SCADA but they also have employees that are at the plant every day during the day. At night the facility uses SCADA.

**Robert Pennington** motioned to approve the application as presented with Nicole's recommendations in the file summary.

**Britt Dinis** seconded.

**Motion passes 6-0.**

**Erik Mohrlang** motioned to adjourn the meeting.

**Dave Musgrave** seconded.

**Motion passes 6-0.**

The meeting was adjourned at 6:40 P.M.

Respectfully Submitted,

*Cheryl Brindisi*

Planning and Zoning Administrative Assistant