



Aquila

FILED

MAY 11 2006

SPECIAL USE PERMIT
APPLICATION

Missouri Public
Service Commission

1.0 SPECIAL USE PERMIT APPLICATION

1.1 REQUEST FOR SPECIAL USE PERMIT

Aquila, Inc. (Aquila) has prepared a Special Use Permit (SUP) application and is submitting it on behalf of itself, as lessee and operator, and the City of Peculiar, Missouri (City) as owner.

Aquila, on behalf of the City, requests a SUP for an Electric Power Generation facility pursuant to Article 8 – Special Use Permits, Cass County, Missouri Zoning Order Subdivision Regulations dated February 1, 2005, Appendix A, Group 49, SIC No. 491, Electric Services and Power Generation – including wind systems. This Zoning Order was adopted under the authority granted by R.S.Mo. 64.211 (and 64-905) et. seq. as amended. According to the Zoning Order, Appendix A, Electric Services & Power Generation (Group No. 49, SIC Code 4911) is a permitted use on property zoned as an Agricultural District (A), as long as a SUP is obtained. The subject property is currently zoned as “A”. The SUP is being requested for the electric power generating facility known as the South Harper Peaking Facility (Facility). The Facility is located west of South Harper Road and south of 241st street in Cass County, Missouri, approximately 2 ½ miles southwest of the City (Figure 1-1). A detailed project description is located in Section 2.0 of this application.

While City is the owner of the Facility as of the date of this application, it is possible ownership may change during Cass County review of this application due to action by the Missouri courts concerning a Chapter 100 bond transaction. If the courts ultimately find the Chapter 100 bond transaction to be invalid, ownership of the Facility will revert from City to Aquila.

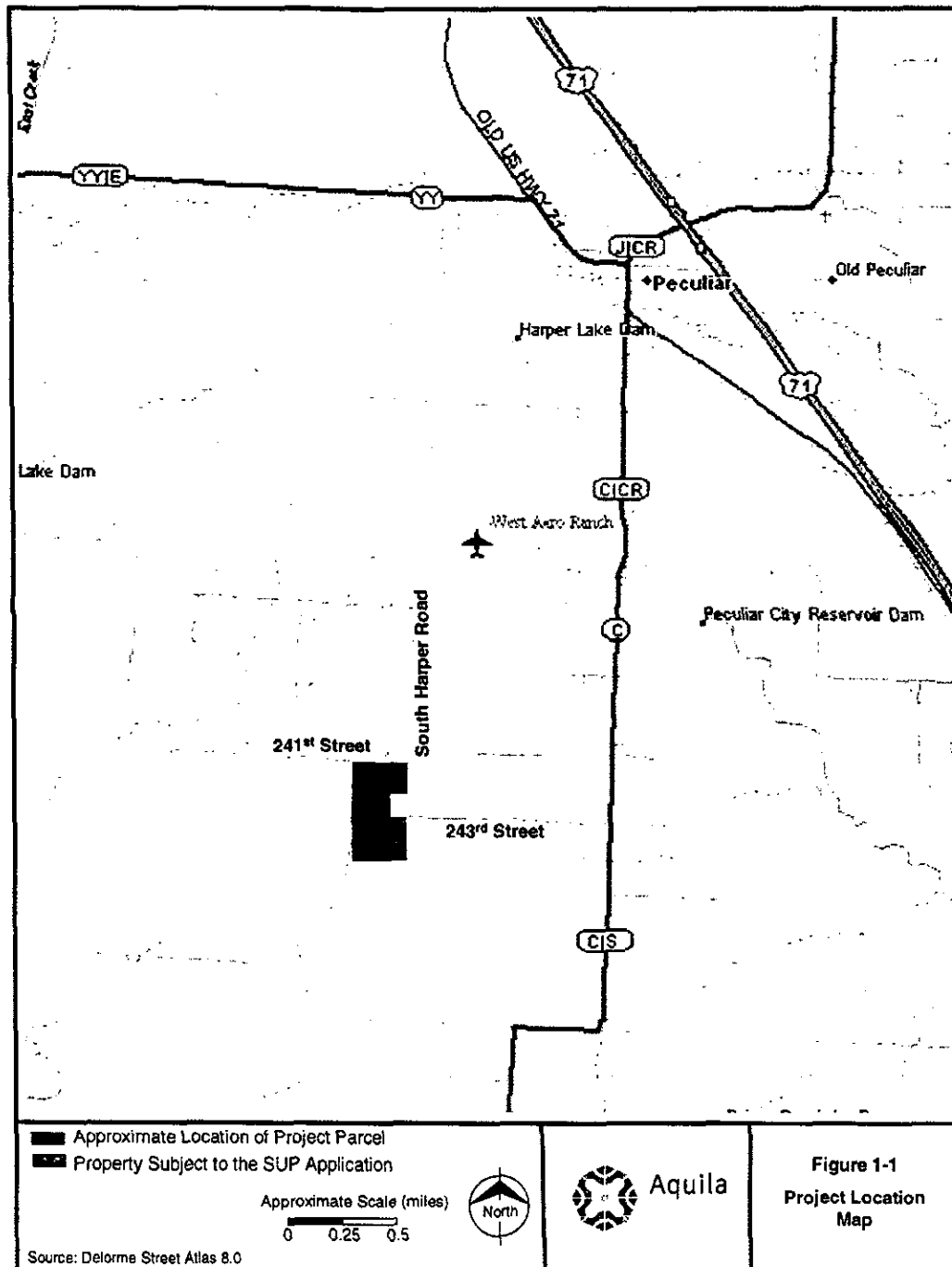
The portion of property that the SUP is being requested for is 38.17 acres and is located in the northeast quarter of the northeast quarter of Section 32, Township 45 North, Range 32 West (Property Exhibit Drawing - Appendix A). The legal description for this property is located on the drawing in Appendix A. This 38.17-acre property is the southern portion of a larger parcel owned by the City of Peculiar (Appendix A), which is approximately 73.58 acres. The northern portion of the property is not subject to this SUP request as it is anticipated to remain undeveloped. A legal description for just the northern property has also been included on the drawing.

Case No. CA-2006-0316
EX
89
PF
5-1-06



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1.2 PURPOSE AND NEED

The Facility was constructed to partially replace a purchase power contract that expired May 31, 2005. The contract was for 500 megawatts (MW) of capacity during the summer months and 200 MW in the winter. With increasing demand in Aquila Networks' Missouri service area and the need for year-around peaking capability, the Facility's three (3) simple cycle combustion turbines (CTs) provide flexibility to meet the needs of Aquila's customers. Aquila has concluded that ownership of peaking generation is an essential component of its least-cost plan, and has so advised the Missouri Public Service Commission Staff. Aquila's Western Missouri service area includes much of Cass County, a first class noncharter county, which is one of the fastest growing areas served by Aquila. Aquila directly serves approximately half the people of Cass County, and its transmission network serves all the county including customers of other utilities.

1.3 COMPLETED APPLICATION FORM

As required, a completed and signed Application Form has been included within this application package and is located after page 1-4 of Section 1.0. The required filing fee is also provided.

1.4 LAND USE COMPATIBILITY

The subject property and neighboring properties contain a high-voltage electric transmission line and two (2) Southern Star high-volume natural gas pipelines. Adjacent to the subject property are an existing Southern Star Natural Gas Compressor Station, which is currently exempt from zoning (grandfathered), and a communications tower immediately north of the compressor station. Therefore, the Facility appears to be consistent with current site and neighboring land uses. As noted above, an electric power generation facility is an acceptable use on agriculturally zoned land, which the subject site is currently zoned, subject to obtaining a special use permit.

The Cass County, Missouri Comprehensive Plan Update 2005 (Plan - dated February 1, 2005), designates the eastern portion of the property (along South Harper Road) as a Multi-Use Tier. Multi-Use Tier is described by the Plan (p. 28) as follows:

"The Multi-Use Tier is representative of development areas within Cass County that exhibit the following characteristics:



- *Positioned as transition areas from urban to rural densities*
- *Located along rural highways, major arterials and intersections, or close enough to such major roads to provide access for more intense levels of non-agricultural traffic, and*
- *Predominantly developed for a mix of land uses: residential, industrial and commercial purposes."*

The northern portion of the property that is not subject to the SUP request currently consists of open agricultural lands and one resident. The open agricultural property currently contains farm ponds, hayfields, pastures, and electrical transmission line structures. The residence is currently being leased and occupied by Mr. George Bremer. The eastern portion of the property is designated as a Multi-Use Tier by the Plan; however, the City and Aquila have no current or future plans for developing this area. This entire northern property is anticipated to remain as its' current use.

Adjacent properties within 100 feet of the Facility property are zoned as agricultural and residential, with the exception of the Southern Star Natural Gas Compressor Station, which is currently exempt from zoning (grandfathered).

It is believed that operation of the Facility does not adversely impact local infrastructure (roads, schools, etc.) as the majority of workers are from the region and commute to the Facility from their existing homes.

1.5 CERTIFIED LIST OF PROPERTY OWNERS WITHIN 1,000 FEET

A certified list of property owners within 1,000 feet of the entire 73.58-acre parcel has been included at the end of Section 1.0 (after the Application Form).

1.6 TITLE REPORT

Provided in Appendix B.

CASS COUNTY
SPECIAL USE PERMIT APPLICATIONReturn Form to:

Office of Zoning Administration
Cass County Courthouse
102 East Wall Street
Harrisonville, MO 64701
(816) 380-8131
[(816) 380-8130 Fax]

For Office Use Only

Case ID.: _____
Public Hearing Date: _____
Date Advertised: _____
Date Notices Sent: _____

APPLICANT INFORMATION:

Applicant: Aquila, Inc. Phone: 816/467-3143
Address: 20 W. 9th St, KC, MO Zip: 64105
Owner: City of Peculiar, Missouri Phone: 816/779-5212
Address: 600 Schug Ave, Peculiar, MO Zip: 64078

PROPERTY INFORMATION:

Location of Property: 24900 South Harper Road Peculiar, MO 64078
Legal Description: See Appendix A Drawing, Tract 1 Description

Present Zoning Classification: Agricultural Acreage: 38.17

Present Use of Property: Electric Services & Power Generation

Proposed Land Use Activity: Electric Services & Generation

Article, Section and sub-section (if applicable) allowing for said Special Use to be applied for: _____

Appendix A, Group 49, SIC Case 491

CASS COUNTY, MISSOURI - PROCEDURES MANUAL

Article 11 - Special Uses

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential & Industrial</u>	<u>RESIDENTIAL</u>
South	<u>Agricultural</u>	<u>AGRICULTURAL</u>
East	<u>Agricultural</u>	<u>NE - RES / SE - AG.</u>
West	<u>Agricultural & Residential</u>	<u>AGRICULTURAL</u>

Should this Special Use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

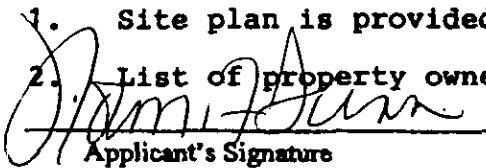
DOES THE PROPOSED SPECIAL USE MEET THE FOLLOWING STANDARDS? IF YES, ATTACH A SEPARATE SHEET EXPLAINING WHY.	Yes	No
Does the proposed Special Use comply with all applicable provisions of the regulations, including intensity of use regulations, yard regulations and use limitations?	X	
Does the proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public?	X	
Does the proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located?	X	
Does the location and size of the Special Use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it have been planned so that the Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations?	X	
Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect?	X	
Adequate utility, drainage, and other such necessary facilities will be provided?	X	
Adequate access roads or entrance and exit drives will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys?	X	
Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials; hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises?	X	

ATTACHMENTS REQUIRED:

1. A site plan as specified in Section of the Zoning Regulations as well as any other information which would be helpful to the Planning Board in consideration of the application.
2. List of property owners located within 1,000 feet of the property.

1. Site plan is provided in Appendix C

2. List of property owners follows in Section 1.0


Applicant's Signature

1-19-06

Date

20 West 9th Street, KC, MO 64105
Address

816/ 467-3143
Area Code Telephone Number