

**BEFORE THE BOARD OF SUPERVISORS
OF LOWER MOUNT BETHEL TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA**

In Re: Petition of Martins Creek LLC, and
Triple Net Investments XCIX, LLC; RCM Properties XV, LLC; Rt 173 Investments
Partners I, LLC, and PD 6411 MBH, LLC

**PETITION TO AMEND ZONING MAP AND CHANGE ZONING CLASSIFICATION
OF CERTAIN PROPERTY**

1. Petitioner, Martins Creek LLC, is the owner of the approximately 103.5-acre property situated partially in the AP – Agricultural Preservation zoning district and partially in the I – Industrial zoning district of Lower Mount Bethel Township (the “Township”) and is identified as Northampton County Parcel No. G11-3-3 (the “Martins Creek Property”). The Martins Creek Property fronts on Martins Creek Belvidere Highway (S.R. 1004) and is currently undeveloped. Of the 103.5 acres, 58.1 acres are proposed to be rezoned.

2. Petitioners, Triple Net Investments XCIX, LLC; RCM Properties XV, LLC; Rt 173 Investments Partners I, LLC, and PD 6411 MBH, LLC (“Quarry Equitable Owners”) are co-equitable owners of the approximately 101.9-acre property situated in the AP – Agricultural Preservation District of the Township and identified as Northampton County Parcel No. G11-3-7 (the “Quarry Property”). The Quarry Property fronts on Martins Creek Belvidere Highway (S.R. 1004) and is currently utilized for a quarrying use.

3. PPL Electric Utilities Corporation is the owner of the approximately 78.6-acre property situated in the AP – Agricultural Preservation District of the Township and identified as Northampton County Parcel No. G11-3-6 (the “PPL Property”). The PPL Property fronts on DePues Ferry Road and is currently undeveloped.

4. Together, the Martins Creek Property, the Quarry Property and the PPL Property are referred to herein as the “Subject Property.” The Subject Property is further described and depicted on the Proposed Zoning Map attached hereto as Exhibit “A.”

5. Section 609 of Pennsylvania’s Municipalities Planning Code (“MPC”), 53 P.S. §10609, authorizes the Board of Supervisors to amend the Township Zoning Ordinance, including the Zoning Map, pursuant to a landowner’s request.

6. Section 27-1710.1 of the Township’s Zoning Ordinance (the “Zoning Ordinance”) provides that the “Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map”

7. Moreover, Section 27-1710.B.(1) of the Zoning Ordinance specifically provides that “[w]henever the owners of 50% or more of the area for which a change of zoning regulations or classification is sought shall present to the Board of Supervisors a petition duly signed and

acknowledged requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for or of the Zoning Map”

8. Petitioners own more than 50% of the area proposed to be rezoned.
9. Based on the following, Petitioners believe that it is appropriate for the Subject Property to be rezoned to be within the I – Industrial Zoning District:
 - a. Changing the zoning classification of the Subject Property to be Industrial allows for the appropriate use of the Subject Property based on its location proximate to the Lower Mount Bethel Power Plant.
 - b. The Martins Creek Property already is split-zoned and includes land zoned I-Industrial within its boundaries.
 - c. The Quarry Property already is developed for industrial use, so changing its classification to I-Industrial corresponds to its current use.
 - d. Pursuant to direction in the Township’s 2023 Comprehensive Plan, granting this request provides for a limited expansion of the I-Industrial District and presents opportunities for additional industrial use in the Township to benefit the Township’s tax base.
10. The amendment proposed by Petitioners is consistent with the purposes of the Zoning Ordinance.
11. Amending the Zoning Ordinance will not have an adverse effect on adjacent areas.
12. Petitioners request that this Petition be circulated to appropriate Township entities and be advertised pursuant to Township procedures for the purpose of holding a public hearing on this request.
13. Petitioners reserve their right to supplement this Petition and to introduce additional evidence to the Board of Commissioners as necessary to support his request.

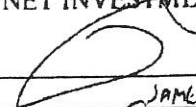
WHEREFORE, Petitioners respectfully request that the Board of Supervisors adopt the Ordinance attached as Exhibit “B” hereto to amend the Zoning Ordinance of the Township to

change the zoning classification of the Subject Property to be within the I - Industrial Zoning District.

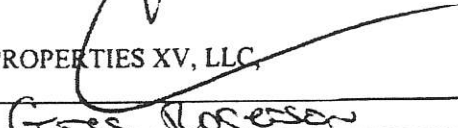
MARTINS CREEK, LLC

By: 
Name: Dale Lebsack
Title: Chief Asset Development Officer

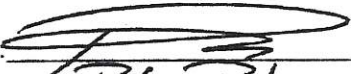
TRIPLE NET INVESTMENTS XCIX, LLC

By: 
Name: JAMES PAQUELL
Title: MEMBER

RCM PROPERTIES XV, LLC

By: 
Name: Greg Hogerson
Title: Member

RT 173 INVESTMENTS PARTNERS I, LLC

By: 
Name: Robert Fick
Title: Authorized Signatory

PD 6411 MBH, LLC

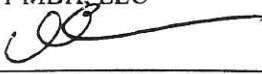
By: 
Name: Michael Pennica
Title: Member

EXHIBIT A

EXHIBIT B

ORDINANCE NO. 2026 -XXXX

AMENDING THE TOWNSHIP OF LOWER MOUNT BETHEL ZONING MAP, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN LANDS SITUATE IN LOWER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AS SPECIFICALLY DESCRIBED HEREIN, FROM THE AGRICULTURAL PRESERVATION ZONING DISTRICT TO THE INDUSTRIAL ZONING DISTRICT, SAID AREA TO BE REZONED IS APPROXIMATELY 238.6 ACRES AND LOCATED IN AN AREA GENERALLY ADJACENT TO MARTINS CREEK BELVIDERE HIGHWAY AND EAST OF THE TALEN ENERGY-LOWER MOUNT BETHEL POWER PLANT.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Mount Bethel Township, County of Northampton, Commonwealth of Pennsylvania, as follows:

SECTION 1. STATEMENT OF LEGISLATIVE FINDINGS.

WHEREAS, the Township of Lower Mount Bethel, Northampton County, Pennsylvania (the "Township") is a Pennsylvania township of the second class organized and existing under and pursuant to the Second-Class Township Code and various other laws of the Commonwealth of Pennsylvania and is governed by a five (5) member Board of Supervisors (the "Board of Supervisors"); and

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of Jul. 31, 1968, P.L. 805, No 247, as reenacted and amended, 53 P.S. §10601 *et seq.* (the "MPC"), including Article VI thereof, authorizes the Supervisors to enact, amend, and repeal zoning ordinances applicable within the Township; and

WHEREAS, pursuant to Article VI of the MPC, by Ordinance No. 2022-02, adopted on July 11, 2022, the Board of Supervisors enacted the Lower Mount Bethel Zoning Ordinance (the "Zoning Ordinance") and the Lower Mount Bethel Township Zoning Map ("Zoning Map"); and

WHEREAS, a copy of the current Zoning Map is attached hereto as Exhibit "X"; and

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of Township residents to update and amend the Township of Lower Mount Bethel Zoning Map to amend the current Zoning Map to classify certain areas now to be within the I – Industrial Zoning District.

SECTION 2. ENACTMENT.

This Ordinance is enacted pursuant to the authority conferred by the Second-Class Township Code, 53 P.S. § 65101 *et seq.* and the MPC, 53P.S. §10601 *et seq.*

SECTION 3. AMENDMENT OF ZONING MAP TO CHANGE CLASSIFICATION OF CERTAIN PROPERTY.

The zoning classification of the portion of one parcel and the entirety of two other parcels as listed and depicted on Exhibit "Y" attached hereto is hereby changed from the AP – Agricultural Preservation Zoning District to the I - Industrial Zoning District. The official Township of Lower Mount Bethel Zoning Map, adopted July 11, 2022, shall be amended to reflect the change shown on Exhibit "Y." The approximately 238.6 acres of land being reclassified and rezoned as I – Industrial Zoning District consists of a 58.1-acre portion of Northampton County Tax Parcel No. G11-3-3 and the entirety of Northampton County Tax Parcel Nos. G11-3-6 and G11-3-7. The parcels are located in an area generally adjacent to Martins Creek Belvidere Highway and east of the Talen Energy—Lower Mount Bethel Power Plant.

Section 4. UPDATED ZONING MAP

A true and correct copy of the Township of Lower Mount Bethel Zoning Map depicting the new district as reclassified and rezoned by this Ordinance is attached hereto and made a part hereof as Exhibit "Y", the proposed Zoning Map.

SECTION 5. REPEALER.

Any Ordinance, Resolution and or other regulation or action of the Township, or any parts of Ordinances, Resolutions and/or other regulations or actions of the Township, in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations or actions of Lower Mount Bethel Township, Northampton County, Pennsylvania shall remain in full force and effect.

SECTION 6. SEVERABILITY.

The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be held to be invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions hereof, other than the part so judged to be invalid or held unconstitutional.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days following the date of adoption as set forth below by the Board of Supervisors.

DULY ADOPTED (ENACTED AND ORDAINED) this _____ day of _____, 2026, by

a majority of the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As part of this Ordinance, the Board of Supervisors has directed that the Chairman or Vice-Chair in the absence of the Chairman, execute this Ordinance on behalf of the Board.

TOWNSHIP OF LOWER MOUNT BETHEL BOARD OF
SUPERVISORS

By: _____

Name:

Title: Chairman

ATTEST:

Name:

Title: Township Secretary
(seal)

EXHIBIT X

EXHIBIT Y

