

**PEPCO NORBECK SUBSTATION,  
FOREST CONSERVATION PLAN AMENDMENT NO. F20250280**

**Description**

Pepco is proposing to amend the existing Final Forest Conservation Plan for the Norbeck Substation, to bring the existing plan into compliance.

COMPLETED: 6/27/2025

PLANNING BOARD HEARING DATE: 7/10/2025

MCPB ITEM NO. 6

## Planning Staff

|           |                                                                                                                                                                  |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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### LOCATION/ADDRESS

16610 Emory Lane, Olney, Maryland

### MASTER PLAN, ZONE

2005 Olney Master Plan, R-200

### PROPERTY SIZE

79.82 Acres

### APPLICANT

Pepco

### ACCEPTANCE DATE

February 25, 2025

### REVIEW BASIS

Montgomery County Code, Chapter 22A

### Summary:

- Staff recommends the Planning Board approve the amendment to the Final Forest Conservation Plan F20250280 with conditions.
- The Planning Board review of a Forest Conservation Plan Amendment pursuant to the application, review, and approval procedures section of the Montgomery County Code, Chapter 22A.
- The Final Forest Conservation Plan CBA-1821 was previously approved on April 4<sup>th</sup>, 1994.
- The Amendment establishes a Forest Conservation Easement over forest retention areas to comply with the original 1994 Forest Conservation Plan approval of CBA-1821.
- The Property includes an existing Pepco substation where a total of 37.25 acres of the Property are proposed to be designated as Forest Conservation Easement area.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS ..... 3

    FOREST CONSERVATION PLAN F20250280.....3

SECTION 2: SITE DESCRIPTION..... 3

    VICINITY.....3

    PROPERTY DESCRIPTION.....5

SECTION 3: PROJECT DESCRIPTION..... 5

    PREVIOUS APPROVALS.....5

    PROPOSAL .....6

SECTION 4: COMMUNITY OUTREACH ..... 8

SECTION 5: FOREST CONSERVATION PLAN F20250280 FINDINGS AND ANALYSIS..... 8

SECTION 6: CONCLUSION ..... 11

    ATTACHMENTS .....11

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### FOREST CONSERVATION PLAN F20250280

Staff recommends approval of the Final Forest Conservation Plan Amendment No. F20250280 subject to the following conditions:

- The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
1. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
  2. Within 120 days of the mailing date of the Planning Board Resolution approving the amendment to the Final Forest Conservation Plan, the Applicant must:
  3.
    - a. Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan Amendment. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
    - b. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP amendment, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  4. Install permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FFCP amendment, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Property is located at 16610 Emory Lane, Olney, Maryland. The 79.82-acre Property is zoned Residential Detached (R-200) and surrounding areas are all zoned R-200. The vicinity consists primarily of smaller residential properties with low density, detached residential housing. There are also some attached residential housing properties and Cherrywood Local Park to the North of the Property.



*Figure 1 – Vicinity and Zoning, site outlined with the dashed line*

## PROPERTY DESCRIPTION

Potomac Electric Power Company (Pepco) owns and operates an aboveground electrical substation located at 16610 Emory Lane in Olney, Maryland. The facility is situated on Parcel A, on Plat 8111. The substation (the “Site” or “Subject Property”) is set back approximately 1,450 feet from Emory Lane and is accessed by way of a private road owned by Pepco (Potomac Electric Power Company), Pepco Road.

The substation is surrounded by forest, which serves as a natural buffer between the Site and adjacent residential areas and Cherrywood Local Park. The forested area includes several streams and stream buffer areas, as well as several wetlands. There are 125 specimen trees on the property, primarily located in the eastern and western portions of the forest. The northern section of the Site contains floodplain areas.

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

On April 4, 1994, the Final Forest Conservation Plan (FFCP) No. CBA-1821 for Pepco’s Norbeck Substation #158 was approved, identifying 36.8 acres of forest to be retained. However, a Forest Conservation Easement was never recorded in land records for the Property at that time.

In 2022, Pepco proposed and later completed a reconductoring project for the transmission line between the Mt. Zion Substation and the Norbeck Substation in Olney, Maryland. During the plan review process, it was identified that the easement areas at the Norbeck Substation had not been properly recorded, resulting in noncompliance with Montgomery County Forest Conservation Law. The FFCP Amendment presented herein is a result of the discussions between the Planning Department staff and Pepco staff. Part of the Forest Conservation Plan Exemption approval (see Attachment D) is Pepco’s agreement to bring the Norbeck Substation property into compliance with the approved forest conservation plan. The reconductoring project occurred within already disturbed power right-of-way and did not result in clearing of any additional forest. This FFCP Amendment is necessary to ensure proper recordation of the required easements and full compliance with Chapter 22A on the Site.

## PROPOSAL

The 1994 Planning Board approval of the FCP No. CBA-1821 required that forest retention areas be protected through the establishment of Category I Conservation Easements. This Amendment addresses the oversight in easement recordation and directs the establishment of permanent forest conservation easements at the Norbeck Substation property.

Pepco underwent a detailed assessment and reconfiguration of the approved easement layout and, in conjunction with Staff, selected a revised layout that maximizes forest retention while also accommodating necessary upgrades to the substation. The Forest Conservation Plan Amendment proposes to designate updated boundaries for the Category I Forest Conservation Easement areas on the Subject Property. The easement area will include a total of 37.25 acres, with 36.8 acres of existing forest and 0.45 acres of unforested environmental buffer.

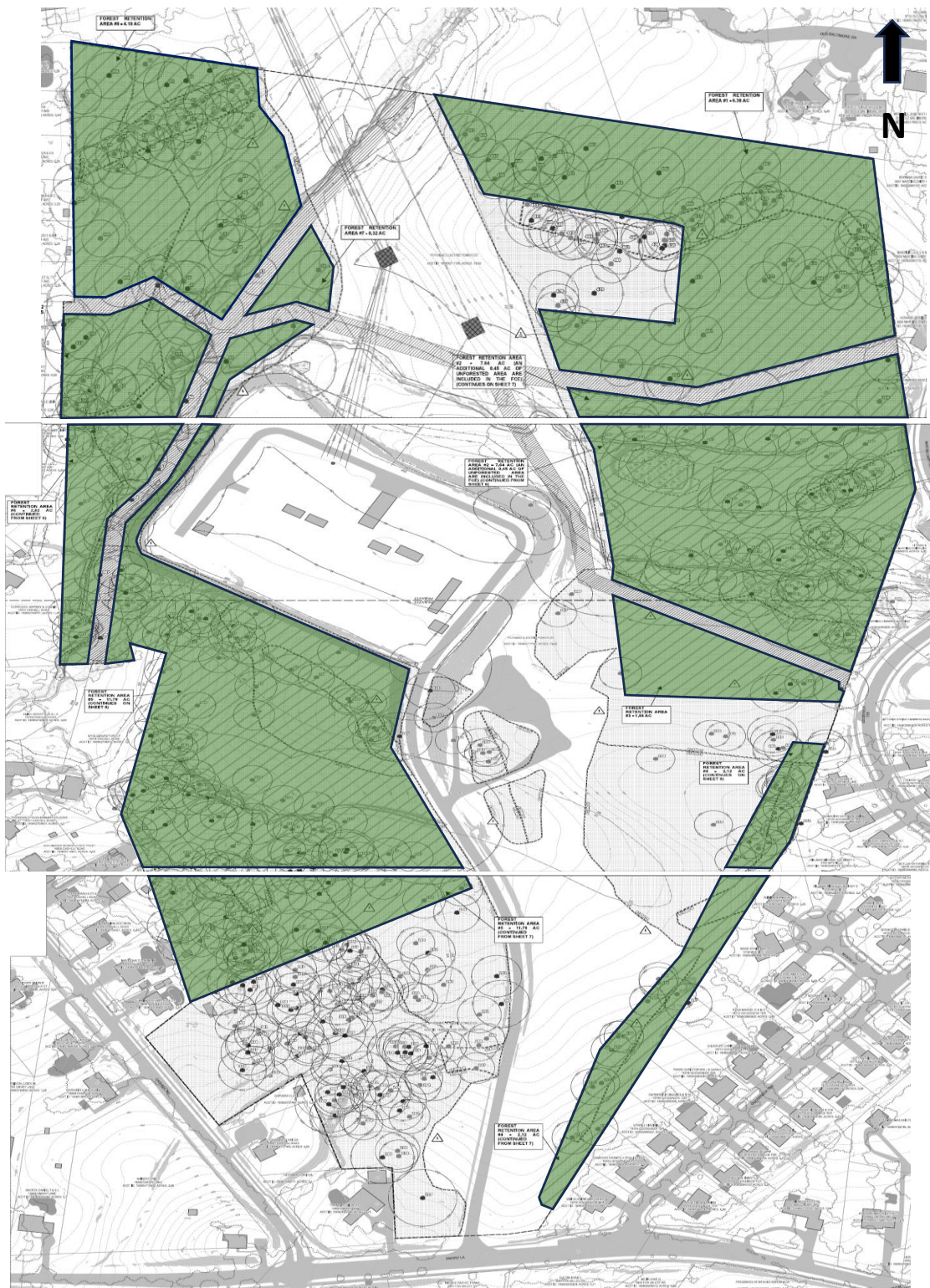


Figure 2 – Proposed Category I Forest Conservation Easement Area

## SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittals and noticing requirements.

Staff received one letter of correspondence throughout the review of the Project. The community member inquired about the amount of forest being retained, prior to the current amount of forest proposed to be retained on the amendment. See attachment E.

## SECTION 5: FOREST CONSERVATION PLAN F20250280 FINDINGS AND ANALYSIS

***All Forest Conservation Law, Chapter 22A requirements are satisfied.***

### ENVIRONMENTAL GUIDELINES

The original Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 4-92044 for the Property was approved November 4, 1992. The NRI/FSD identified the site's environmental features and forested areas, which informed the approval of Forest Conservation Plan No. CBA-1821. For the purposes of this amendment, Coastal Resources Inc. (the plan preparer) collected field data in August 2022. The plan

Notably, 2.4 acres on the Site are Washington Suburban Sanitary Commission (WSSC) easement areas, which must not be included in the Forest Conservation Easement areas. These areas could be cleared to provide access to WSSC systems.

### STREAM VALLEY BUFFER IMPACTS

There are 52.59 acres of forest on the Property. The Property is located within the Upper Rock Creek – North Branch watershed, classified as a Use III watershed. Multiple streams are within the Site, accompanied by stream valley buffers (SVBs) that extend both on-Site and off-Site. There is approximately 22.99 acres of forested SVB onsite. Of the forested SVB areas, 1.37 acres of forested SVB will not be placed in a conservation easement. Of the unforested areas, approximately 14.8 acres of unforested SVB will not be placed into a conservation easement. The selected easement areas are due to the current and future uses of the site, as further discussed below.

Despite efforts to avoid the SVB, future expansion of the substation, which is essential to meeting regional power demands, will result in 1.37 acres of forested SVB and approximately 14.8 areas of unforested SVB not being placed in an easement. This impact to the SVB is permitted under Chapter 22A, Section 12.e.1.B of the Montgomery County Code and the *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”) (p.16), which allow unavoidable utility impacts in SVBs without a variance, provided no feasible alternatives exist and disturbance is minimized.

The Environmental Guidelines state the following:

*“Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to create the least disturbance...”* (p.16)

Additionally, approximately 14.8 acres of unforested SVB within the Pepco right-of-way and substation area are excluded from conservation easements. These areas must remain clear to ensure uninterrupted utility operations. This exclusion is also consistent with Section 12.e.1.B of the County Code, which exempts afforestation where it conflicts with allowable uses.

Given the substation’s central location on the Site and current overlap with the SVB, avoidance is not feasible. Pepco has minimized encroachment and avoided sensitive areas to the greatest extent possible. The majority of SVB on the property will be protected within a conservation easement, helping to offset the limited and necessary impacts.

## FOREST CONSERVATION

The Application complies with Chapter 22A of the Montgomery County Forest Conservation Law. As required, a FFCP Amendment No. F20250280 was submitted for review.

The Net Tract Area for forest conservation purposes is 77.42 acres, calculated by subtracting 2.4 acres of WSSC easements from the total tract area of 79.82 acres. Although the Property is zoned R-200, it is classified as an Institutional Development Area (IDA), under Chapter 22A, due to its utility use. This designation sets a 20% afforestation threshold and a 25% conservation threshold, which guides the forest conservation worksheet requirements.

The FFCP Amendment proposes updated boundaries for the Category I Forest Conservation Easement areas, totaling of 37.25 acres. This includes 36.8 acres of existing forest and 0.45 acres of unforested environmental buffer. Of the 52.59 acres of existing forest on Site, 36.8 acres of forest will be placed into a Category I Forest Conservation easement, while 15.79 acres of forest will not be placed into a conservation easement. As a result, there is no additional afforestation or reforestation required.

The 15.79 acres of forest not placed into an easement are excluded to preserve Pepco’s operational flexibility. These areas must remain unencumbered to accommodate future substation expansions, transmission and distribution infrastructure, energy storage, and potential renewable energy generation, which is critical to meeting regional energy demands.

The Amendment has been carefully designed to balance forest conservation with the operational needs of the utility. It protects significant forest and stream valley buffer areas to the greatest extent feasible, consistent with the Environmental Guidelines and Chapter 22A.

## PRIORITY URBAN FOREST REMOVAL

The Subject Property includes 52.59 acres of forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area<sup>1</sup>, as mapped by the Maryland Department of Natural Resources (MDNR). This plan proposes that 15.79 acres of forest will not be placed under a conservation easement; subsequently, 15.79 acres will be counted as Priority Urban Forest removed. Per Sec. 22A-12(b) of Forest Conservation Law, the FCP must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

## PRIORITY URBAN FOREST REMOVAL FINDINGS

The following determinations are based on the required findings for the removal of priority forest:

***1. The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.***

The development maximizes forest retention by utilizing all feasible planning and zoning options within the constraints of operating and expanding the Pepco substation. While 15.79 acres of Priority Urban Forest must be counted as removed due to the future expansion and operational needs, the design minimizes impact by concentrating already developed areas and preserving continuous forest areas, including most of the stream valley buffer with a proposed Category I Forest Conservation Easement. This approach is an efficient and conservation-focused use of the site under current zoning allowances, and it allows the preexisting utility to function well now and into the future, minimizing forcing development at an entirely new site as well.

***2. Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.***

Reasonable efforts have been made to protect existing forest and vegetation by placing most of the onsite forest into a conservation easement. While the forest spans east to west across the property's midpoint, which limits development flexibility, the forest not protected has been reduced to only what is necessary to support the existing substation and its future expansion. The site design reflects a balanced approach that prioritizes forest protection within the constraints of essential utility infrastructure.

***3. The development proposal cannot be reasonably altered.***

Because the substation is already built and operational, its location and footprint cannot be changed. Placing the entire priority urban forest into a conservation easement would interfere with essential infrastructure. The current proposal preserves as much forest as possible without compromising the substation's function, and therefore cannot be reasonably altered.

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<sup>1</sup> Natural Resources Article, Section 5-1607.

There are no opportunities to save the entirety of existing forest by altering the Forest Conservation Plan Amendment application by rearranging the easement areas.

## SECTION 6: CONCLUSION

The proposed Forest Conservation Plan Amendment is consistent with the Forest Conservation Law and the Environmental Guidelines. Therefore, staff recommends approval of Forest Conservation Plan No. F20250280 with the conditions contained in this report.

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### ATTACHMENTS

*Attachment A: FCP Plan Amendment No. F20250280*

*Attachment B: Approved NRI/FSD No. 4-92044*

*Attachment C: Final Forest Conservation Plan No. CB-1821*

*Attachment D: Forest Conservation Exemption Letter No. 420221812E*

*Attachment E: Community Correspondence*