FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND

APPLICANT: Herrington North LLC (a.k.a.Herrington Harbour North Marina)

ASSESSMENT DISTRICT: Eighth

CASE NUMBER: 2026-0131-G

COUNCILMANIC DISTRICT: Seventh

PAB HEARING DATE: November 18, 2026

PREPARED BY: Sterling Seay
Planning Administrator

REQUEST

The applicant is requesting a Growth Allocation to allow for a portion of the Critical Area to be re-designated from RCA-Resource Conservation Area to IDA-Intensely Developed Area for property located at 385 Deale Road and 330 Highview Road, Tracys Landing.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 79.18 acres of land and is located with road frontage on the south side of Deale Road 214 feet east of Tracey's Landing Road and on the north side of Highview Road, 875 feet east of Tracey's Overlook Road. The subject property consists of three contiguous parcels on Tax Map 77 identified as Parcel 89 Lot 1R in Block 11, Parcel 19 in Block 11, and Parcel 268 in Block 17.

The growth allocation request is for 4.76 acres of the property ("the site") located at 330 Highview Road, Tracys Landing, Parcels 19 and 268. This portion of the subject property has been zoned MB - General Commercial Marina District since the adoption of Region Plan 9 zoning maps effective May 26, 2025. The site is within the Chesapeake Bay Critical Area overlay designated as RCA-Resource Conservation Area

The subject property is the Herrington Harbour North Marina and Resort. The portions of Parcels 19 and 268 that are requested for growth allocation are agricultural fields with a hedgerow along the northern boundary and trees scattered along the southeastern boundary. Herrington Harbour North Marina abuts the area to be reclassified to the north and east. The Nutwell house, Tobacco Barn, and farm, the remainder of Parcel 19, abut the site to be reclassified to the west, with Highview Road to the south. The site is accessed through the adjacent Marina.

GROWTH ALLOCATION

§18-13-401 of the Anne Arundel County Zoning Code provides that there is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27.

§18-13-401(b) provides that the minimum area for IDA shall be an area of at least 20 acres, but allows the IDA to be in an area of less than 20 acres if the IDA designation would:

(1) allow for the redevelopment of existing commercial use in compliance with current stormwater management requirements;
(2) allow for land use consistent with the County's General Development Plan; and
(3) support the established character of the community, provide for suitable infill development, and provide for the preservation of existing community assets.

The site directly abuts a priority funding area and will be part of an IDA area that exceeds 20 acres.

§18-13-402 provides:

(a) Requests for growth allocation are limited to existing or proposed nonresidential uses or zoning districts.
(b) New development shall only be designated on sites zoned commercial or industrial with existing or planned service on the Water and Sewer Master Plan and bounded by LDA or IDA.

The site is zoned MB-General Commercial Marina District and is within the Planned Service Broadwater sewer service area.

§18-13-403. The application satisfies the public notice requirements.

§18-13-404 (b) & (c) The Planning Advisory Board shall review and consider applications for growth allocation along with recommendations of the Office of Planning and Zoning at a meeting held no later than 60 days after receipt of the application from the Office of Planning and Zoning. The Planning Advisory Board shall make recommendations on applications for growth allocation to the County Executive for proposed legislation for critical area mapping changes.

§18-13-405. Approval of a growth allocation is rescinded by operation of law if: (1) action to commence subdivision is not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the subdivision is not recorded within three years of the date of approval by the County Council or Critical Area Commission, whichever is later; or (2) when subdivision is not required, action to commence the development has not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the required permits are not completed within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.

CLIMATE RESILIENCY

COMAR §8-1801.1(c)(2)(vi) provides that when locating new intensely developed or limited development areas, local jurisdictions shall locate new IDAs and LDAs outside of areas vulnerable to climate change unless the local jurisdiction proposes and the Commission approves:

1. Areas identified by the local jurisdiction as vulnerable to climate change as

required under 8-1808(c)(1)(iii)16 of this subtitle for:

A. Identifying areas vulnerable to climate change;

B. Mitigation and adaptation measures that address sea level rise, storm surge, precipitation-induced flooding, other extreme weather events, migrating wetlands, and coastal forests; and

C. Enhancing climate resiliency of the Critical Area by identifying, restoring, and creating and conserving existing and projected future natural and nature-based features; and

2. Measures that:

A. Assess climate resiliency and vulnerability; and

B. Incorporate siting, design, construction, and other natural features to significantly enhance climate resiliency and reduce vulnerability.

According to the Applicant's submittal, the proposed project is designed with a 50 year life expectancy and has a medium tolerance for flood risk. The impacts of flooding on the use are low given that moderate flooding is not likely to cause significant damage or disruption to the proposed boat storage use. Additionally, the Subject Property is not located within a flood risk area. The Subject Property plans for a rise in sea level of 2.65 feet by 2080, again this will not have significant impact on the proposed use.

Environmental Justice Factor

COMAR §8-1808.1(c)(4) provide that in reviewing map amendments or refinements involving the use of growth allocation, the Commission shall consider, among other things, the following factor: (viii) Environmental impacts on underserved or overburdened communities.Specifically, when applying the new growth allocation factor, the Commission will consider whether and how the proposal impacts overburdened or underserved communities; as well as how the required mitigation for the proposal could be directed to overburdened and underserved communities to alleviate such inequities.

According to the applicant's submittal, the Subject Property is not located in an overburdened or underserved census tract. The Subject Property is not in an underserved tree canopy area (or near one). Further, the Subject Property's environmental justice score is 7.9, significantly lower than other waterfront areas throughout the County.

Agency Comments

The **Critical Area Team of the Development Division** commented that there is no objection to this application; however, the request should be reduced to allow for the southern portion of the site as well as those areas proposed to be used for screening and afforestation to remain as RCA. The environmental report identifies the southern portion of the site as a drainage feature and aerial imagery and topographic information confirm that. This area connects an on site environmental area that will remain RCA to the east with the offsite RCA area to the west. Those areas that will be planted/reforested, should also remain RCA as there is no reason to reclassify those areas.

The **Critical Area Commission** reviewed the above-referenced Growth Allocation request and provided the following preliminary feedback. For consideration by the Critical Area Commission, the official submissions will need to be complete, which includes the addressing all the submittal requirements as outlined in COMAR 27.01.02.06-1 and the Standards and Factors as outlined in COMAR 27.01.02.06-3. This includes the new Climate Resilience Standard and Equity Factor. Our preliminary review of the Growth Allocation request noted that the applicants did include responses to the interim Growth Allocation Guidance and completed worksheets. We do request that the applicant submit the completed 10% pollutant reduction spreadsheet, including the separate worksheet tabs. We would also like to note that we encourage applicants and Counties to submit their applications for information only prior to an official submission. This allows the Program Committee to have the opportunity to review the proposal and provide comments and feedback prior to any official vote.

The **Cultural Resources Division** reviewed the application and found that:

A. Historic Resources: AA-357, Nutwell House: This 19th -century property, recorded in the Maryland Inventory of Historic Properties, is historically significant and retains integrity. Development must be in compliance with Article 17-6-501. Adjacent development must be in compliance with the landscape manual. The Cultural Resources Section would require review of a landscape plan with any associated development applications for both parcels 19 and also parcel 268.

B. Archaeological Sites: High Archaeological Potential on parcels 19 and parcel 268. This property has never been surveyed and the Cultural Resources Section does not currently have the information needed to assess how this growth allocation may adversely affect potential archaeological resources. The property, associated with the War of 1812 battle action, and 18th-19th century occupation, including evidence of enslaved populations, has high archaeological potential. In the event that the Cultural Resources Section receives a development application for either parcel, a Phase I archaeological survey would be required. The application will have to comply with Article 17-6-502.

Given the current information available, the Cultural Resources Section can only state that development would likely have an adverse effect and would require compliance with Article 17, which mandates both an archaeological survey and also a landscape plan review for an appropriate landscape buffer to shield the remaining adjacent historic property. The Cultural Resources Section requires review of any associated development applications and requests review of the amended plat so that it can include appropriate protective plat notes for the historic house and sensitive areas that would require archaeological survey.

FINDINGS

The subject property operates as a waterfront marina, yachting center, and resort that encompasses 79.18 acres of land. Herrington Harbour North is the largest marina in Anne Arundel County with 600 slips and land storage for over 1000 boats. 49.18 acres of the entire property is classified as IDA, with 12.66 acres classified as RCA under the critical area program. The applicants are requesting that 4.76 acres (the site) be re-designated as IDA to facilitate the expansion of boat storage for the marina. If the reclassification is approved 7.9 acres of the site will remain as RCA, consisting of the land around Tracys Creek tidal wetlands and wetlands on the north side of Highview Road. The reclassification

from RCA to IDA will allow Herrington Harbour to expand its surface boat storage farther from the shoreline and permit the renovation and re-purposing of certain structures and ancillary commercial marina facilities.

There are no steep slopes, habitat protection areas, woods, FIDS, critical habitats, wetlands, or 100 year floodplain on site. Currently the site is an agricultural field with no lot coverage. Proposed is 3.50 acres (152,614 square feet - 72% lot coverage) of paving with associated grading and afforestation of 0.82 acres (35,638 square feet) exceeding the afforestation requirement of 15% (0.71 acres - 31,113 square feet). No structures are proposed. The site will meet the IDA 10% pollutant reduction requirement.

Growth allocation requests are considered on a project-by-project basis, and it is a finite commodity. As part of the review, the Critical Area Law requires each jurisdiction to consider specific provisions regarding where in the jurisdiction the growth allocation will be located and how it will be configured. The intent is to facilitate growth in a way that accommodates the needs of the human population, but fosters environmentally sensitive development.

This Application is consistent with Plan2040, Anne Arundel County's Comprehensive Plan, supports the established character of the community, and will facilitate the marina's expansion within an area specifically planned and zoned to accommodate growth and economic activity in the County. Reclassification of the site is consistent the GDP recommendations including:

> Goal BE4: Support quality of life and economic vitality in County Peninsula Policy Areas, while preserving environmentally sensitive areas.Policy BE4.2, "Ensure the maritime industry remains a viable driver of economic growth and stability…"
>
> Goal HE2: Attract, retain, and expand upon the diversity of businesses and industries that will provide jobs, income and a tax base that is sustainable and meets the needs of all residents. Policy HE2.6: "Promote and sustain commercial fishing and maritime trades."

The request meets the growth allocation requirements of Natural Resources Article, Section 8-1808.1(c)(2) of the Maryland Code because it proposes to reclassify an existing RCA property that adjoins an existing IDA area to IDA, pursuant to §18-13-401 of the County Code.

The applicants are seeking growth allocation of 4.76 acres to be re-designated from RCA-Resource Conservation Area to IDA-Intensely Developed Area to create additional area for boat storage capacity. Reclassification of the area to be used for the proposed afforestation from RCA to IDA is unnecessary since no boat storage will occur in this area of the site. The proposed afforestation area is delineated in the Growth Allocation Plan Proposed Conditions on page 3 of 3; and, based on the legend site tabulation, is 0.82 acres (31,113 square feet). This area does not need to be reclassified to IDA for additional boat storage. Reducing the requested 4.76 acres by the afforestation area of 0.82 would result in 3.94 acres of RCA reclassified to IDA .

RECOMMENDATION

The Office of Planning and Zoning recommends approval of a modified growth allocation application request to redesignate 3.94 acres of the site within the Critical Area from RCA-Resource Conservation Area to IDA-Intensely Developed Area.

_____	October 1, 2026
Sterling Seay	Date
Planning Administrator	



Herrington North
2026-0131-G

Proposed Critical Area Change

- IDA
- RCA

0 100 200 Feet

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