

## Alert

### Linowes and Blocher LLP Wins Appeal on Transportation Impact Fee Credits

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Recently, Linowes and Blocher LLP scored a decisive victory before the Anne Arundel County Board of Appeals for a major retailer. At issue was \$219,948.75 in Transportation Impact Fee Credits from Anne Arundel County. As a condition of the Access Permit for the new Maryland store, the Maryland State Highway Administration required the retailer to complete \$447,059.00 in transportation improvements to Maryland Route 2 (the "Route 2 Improvement"). The County denied the retailer's request for Transportation Impact Fee Credits for the Route 2 Improvements because they would not be deeded to the County and were not required under the County's Adequate Public Facilities Ordinance ("APFO").

The key issue in the case was whether Section 17-11-207 of the Anne Arundel County required the County to grant transportation impact fee credits for the Route 2 Improvements. Linowes and Blocher LLP argued that the language of the statute and its legislative history required the County to grant transportation impact fee credits to the retailer because, despite the fact that they were proposed because of the requirements of the SHA Access Permit, the Route 2 Improvements provided transportation capacity over and above what was required by the County's APFO. The County maintained that Code only provided for transportation impact fee credits where the improvements were completed pursuant to the APFO and where those improvements would be deeded to the County.

The Board, in a unanimous decision, rejected the County's argument and concluded that under the plain language of the County Code, the County was required to grant Transportation Impact Fee Credits to the retailer because the Route 2 Improvements provided transportation capacity "over and above" what was required by the APFO. The County did not seek judicial review of the Board's decision.

If you have any questions about Transportation Impact Fees in Anne Arundel County, please contact David M. Plott at 443-949-3790 [dplott@linowes-law.com](mailto:dplott@linowes-law.com) or Megan M. Roberts-Satinsky at 443-949-3791 or [mroberts-satinsky@linowes-law.com](mailto:mroberts-satinsky@linowes-law.com).

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