
TRANSPORTATION IMPACT FEE CREDITS - MARYLAND

Anne Arundel County v. 808 Bestgate Realty, LLC

Court of Appeals of Maryland - July 7, 2022 - A.3d - 2022 WL 2526948

Developer petitioned for judicial review of decision of county board of appeals denying developer's request for transportation impact fee credits in connection with certain road improvements that it made to county road as part of redevelopment project.

The Circuit Court reversed board's decision. County appealed. The Court of Special Appeals affirmed in part and reversed in part. Developer and county filed petition for writ of certiorari, which the Court of Appeals granted.

The Court of Appeals held that:

- County code required county to award transportation impact fee credits to developer for improvements that exceeded road provisions and were approved by county's engineer administrator, and
- Remand for county board of appeals to address issue of whether developer's improvements were "site-related" improvements for which transportation impact fee credits could not be given was unnecessary.

County code provision stating that transportation impact fee credits "shall" be allowed for improvements providing capacity over provisions for adequate road facilities required county to award transportation impact fee credits to developer for improvements to county road that exceeded road provisions and were approved by county's engineer administrator, although developer satisfied road provisions without need for mitigation plan; the word "shall" was mandatory, not discretionary, nothing in code conditioned entitlement to credits on necessity of mitigation plan, and county had approved requests for credits where no mitigation was necessary to satisfy road provisions.

Remand for county board of appeals to address issue raised sua sponte by Court of Special Appeals of whether developer's improvements to county road as part of redevelopment project were "site-related" improvements for which transportation impact fee credits could not be given was not necessary or desirable to avoid the expense and delay of another appeal, given stipulation by county and developer in briefs and oral arguments before Court of Appeals that improvements were not "site-related."

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com