Circuit Court for Washington County
Case No. C-21-CV-18-000641

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 924

September Term, 2019

DIAMOND DEVELOPMENT CORPORATION, et al.

v.

COMMUNITY RESCUE SERVICE, et al.

Berger,
Friedman,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wright, J.

Filed: December 29, 2020

This is an appeal from an order of the Circuit Court for Washington County affirming a decision of the Washington County Board of Appeals ("Board") to approve a site plan for the development of property. For the reasons that follow, we shall affirm the decision of the circuit court.

BACKGROUND

The Appellee, Community Rescue Service ("CRS"), is an ambulance service that, since 1982, has operated one ambulance from the Maugansville Goodwill Fire Station, which is located to the west of Interstate Highway 81 ("I-81"). At some point, the fire station developed a need for the space occupied by the ambulance, and CRS purchased a parcel of land ("subject property"), located half a mile from the fire station, on which to build a "standalone" ambulance station. The new ambulance station would cover the same geographic area and would be on the same side of I-81 as the fire station. CRS would continue to operate one ambulance from the new station initially, but, in anticipation of possible future growth in the area, the property was being developed to house two ambulances.

The subject property, which has an address of 13727 Oliver Drive, Hagerstown, is located in the "Highway Interchange" zoning district. The subject property lies immediately west of I-81. It is bordered on the east by the southbound lanes of Interstate 81, and on the northwest by Microtel Hotel and Suites.

Oliver Drive intersects with Maugans Avenue 1125 feet from the intersection of Maugans Avenue and the exit ramp from southbound I-81 onto Maugans Avenue. Both intersections are controlled by traffic signals that are equipped with "Opticom" technology,

which allows the normal operation of traffic lights to be preempted to give emergency vehicles a green light, while changing all other signals at the intersection to red.

Diamond Development Corporation ("DDC"), appellant, owns Microtel Hotel and Suites. Rajendra Patel and Rantan Patel reside permanently in the hotel and join DDC in this appeal.[1] We shall refer to DDC and the Patels collectively as "appellants."

At the outset of the hearing before the Board, which was held on July 25, 2018, counsel for CRS explained the procedural history of the case. CRS first submitted a site plan for the construction of a two-bay ambulance station on the subject property in August 2013. The Commission approved the site plan in June 2014. Appellants filed an administrative appeal, and the Board upheld the Commission's decision. Appellants then filed a petition for judicial review in the circuit court. The circuit court reversed the Board's decision to grant site plan approval because the site plan did not include a 75-foot buffer from adjacent properties.

In June 2015, CRS submitted a new site plan that incorporated the 75-foot buffer. Before receiving final approval, however, CRS withdrew the request for site plan approval after amendments to the zoning ordinance were adopted which clarified that the 75-foot buffer requirement did not apply to the subject property.

In May 2017, CRS submitted the site plan that is the subject of this appeal. The Commission approved the site plan in October 2017, and appellants filed an administrative

[1] According to the Board's written opinion, the Patels are the owners and proprietors of the hotel, and they reside in a manager's suite located within the hotel.

appeal. As grounds for the appeal, appellants asserted, as they had in the prior administrative appeal, in 2014, that emergency vehicles associated with the proposed use would cause an unsafe traffic condition on the exit ramps serving I-81.

Appellants' concern about an unsafe traffic condition arose during review of the earlier site plans submitted by CRS. Specifically, appellants pointed to written comments from Sheriff Doug Mullendore to Cody Shaw, the chief of Plan Review for Washington County Division of Engineering & Construction Management. With respect to the site plans submitted in 2013 and 2015, Sheriff Mullendore commented that, during peak traffic hours, traffic exiting I-81 at Maugans Avenue tended to back up on the ramps. He theorized that, if the traffic signal sequence were to be interrupted by an ambulance utilizing the Opticom system, traffic could back up onto I-81, and he suggested that a study of the issue was necessary.[2]

In 2015, CRS commissioned a traffic study from Neil Parrott, a professional engineer who had worked for the Maryland State Highway Administration ("SHA") for 13 years. A copy of his report was admitted into evidence. Mr. Parrott concluded from his study that relocation of ambulance operations from the fire station to the subject property would not interfere with traffic moving to or from I-81.

As a basis for his study, Mr. Parrott calculated that operating two ambulances from the subject property would generate four trips during the morning peak traffic period and

[2] According to counsel for CRS, Sheriff Mullendore did not issue any comments to the 2017 site plan that is the subject of this appeal.

six peak-hour trips in the evening. Mr. Parrott determined the projected trip count by taking the total number of vehicles (including fire apparatus) that were dispatched from the fire station during a site visit in September 2015, then adjusting those figures to arrive at a "conservative analysis" for the proposed two-ambulance facility.[3]

Mr. Parrott characterized the projected peak-hour trip counts of four and six as "very low," explaining that Washington County does not require a traffic effect study unless the peak-hour trip count is at least 16, and that SHA does not require a traffic effect study

[3] Mr. Parrott explained his trip count methodology in his written report as follows:

> In an effort to quantitatively determine projected volumes at the new facility, a traffic count was performed on a typical day when school was in session during the morning (7-9 AM) and evening (4-6 PM) peak hours on Tuesday September 22nd, 2015. The counts were used to determine how many vehicles this particular Fire station generates on a weekday. The volumes observed to be generated by the Fire station during the morning peak hour were 6 vehicles, and during the evening peak hour it generated 10 vehicles.
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> Out of the five emergency service vehicles [one ambulance and four fire service vehicles], only the ambulance will be moving to the new site . . . . If we used the percentage of apparatus to determine trips, we would assign 1/5 of the trips at the site to the CRS ambulance. To provide a conservative analysis, this report assigns one third of the trips observed at the fire station to the new CRS Facility. Since two ambulances will be at the new facility instead of the one at the existing location, the trips will be doubled for traffic projections in the report. This doubling of traffic is too high for reality since staffing is not anticipated to double. Even so, these projections provide a conservative analysis for the new projected trips.

At the Board hearing, Mr. Parrott explained that after his study was completed, the Institute of Transportation Engineers (ITE) published a manual containing trip generation figures applicable to fire or ambulance facilities that were not available when he completed his report. The ITE figures were quantitatively less that the trip counts that Mr. Parrott used in his analysis.

unless the peak-hour trip count is at least 50. Mr. Parrott noted in his report that, because CRS already was operating one ambulance from the fire station, half of the projected peak-hour trips, or five, were already "part of the roadway network."

The data used in the study was not inconsistent with records from the Department of Emergency Services which showed that, in the 2017 fiscal year, CRS dispatched an ambulance a total of 1848 times, or an average of 5.06 times a day.[4] Notably, although the traffic study assumed a "worst case scenario," in which all projected trips would travel through the I-81 interchange at Maugans Avenue, the records from 2017 demonstrated that only 973 of the dispatches, or approximately 53%, would have been routed through the I-81 interchange. In addition, Randy Brumbelow, a witness for CRS, explained that not all calls would necessarily be dispatched from the subject property, as ambulances are sometimes dispatched from the field after being cleared from a prior call.

Mr. Parrott performed two different types of analysis: "critical lane volume analysis," which is utilized by SHA, and "highway capacity manual software" analysis, which is required by Washington County. Based on both methodologies, Mr. Parrott concluded that the intersections of Maugans Avenue and the access ramps to and from I-81 were currently adequate to handle traffic from the proposed ambulance station and met acceptable "levels of service."

Specifically, Mr. Parrott stated, in his written report, that, with one exception, all queues for the turn lanes at the intersection, including the turn lanes from the exit ramp

[4] There was no evidence before the Board regarding how many of the ambulance dispatches in 2017 occurred during peak traffic hours.

from southbound I-81 onto Maugans Avenue, were "below their storage lengths."[5] His analysis included a six-year traffic volume projection, and he concluded that there would be no change from existing conditions. He explained that, because the intersections were already equipped with an Opticom system, the proposed ambulance facility would have no effect on the operation of the interchange.

The record extract contains a Site Plan Transmittal Form indicating that the 2017 site plan that is the subject of this appeal was routed to SHA for observation and comment and was returned with the handwritten notation, "No Comments!", below which appears the signature of Mark P. McKenzie. Appellants concede that SHA submitted no comment "relating to the design and function of the southbound approach."

Mr. Parrott stated that SHA was "very comfortable" with the current interchange operations, as evidenced by the fact that SHA had recently approved a "much larger" project for an urgent care facility on the other side of I-81 that was expected to generate between 124 and 162 trips during peak hours.[6]

[5] Mr. Parrot noted that the p.m. traffic queues in the right turn lane from the exit ramp from northbound I-81 onto Maugans Avenue exceeded the storage length by two feet. He noted that, "[o]n the off-ramp, motorists use the wide, unstriped lane as two lanes. So even if the queue were larger, observations show that the right turns would not stack back in the through lane."

[6] Mr. Parrott explained that SHA approval was "based on changes" to Maugans Avenue that would be completed as part of the construction of the urgent care facility and that would improve overall conditions at the I-81 interchange.

Michael Shiffler, a civil engineer, also testified on behalf of CRS. Mr. Shiffler stated that, in his opinion, traffic from the proposed project would not interfere with traffic moving to or from I-81.[7]

Douglas Kennedy testified in appellants' case as an expert witness in the field of transportation engineering, planning, and analysis. Mr. Kennedy explained that the length and design of the exit ramp from southbound I-81 onto Maugans Avenue did not meet current federal standards.[8] Mr. Kennedy performed a "back of queue" analysis of the traffic signal timing and 2014 traffic count data provided by the State Highway Administration ("SHA).[9] His analysis led him to conclude that, during morning and evening peak traffic periods, the entire length of the southbound exit ramp would be occupied by vehicles waiting to move through the traffic signal at the end of the southbound exit ramp and onto Maugans Avenue. Mr. Kennedy opined that, if an ambulance passing through the intersection utilized the Opticom system during a peak period to disrupt the timing of the traffic signal, it would "exacerbate the stacking" of vehicles exiting I-81 onto

[7] Mr. Shiffler did not state the factual basis for his opinion.

[8] CRS does not dispute that the existing exit ramp is not consistent with current design standards but asserts that "being built to an outdated standard does not mean there is an inherent or axiomatic safety hazard" on the ramp.

[9] According to counsel for appellants, a "back of queue" analysis determines the location of the last car in the queue when the light at the intersection of the exit ramp and Maugans Avenue turns green and allows cars to drain from the exit ramp onto Maugans Avenue. Appellants acknowledge that the Washington County Planning Commission does not routinely require such an analysis.

Maugans Avenue, and that the queue of vehicles "would increase and extend into the main line of I-81," creating an unsafe traffic condition.[10]

A member of the Board questioned how the traffic pattern would change from current conditions, as the subject property is located on the same side of I-81 as the fire station, where the ambulance currently is based. Counsel for appellants acknowledged that the effect on traffic would be no different if the ambulance was dispatched from the subject property, as opposed to its current location at the Maugansville Fire Station. Another member of the Board asked if there were any accident reports to indicate that there was a current safety issue, but counsel could not point to any.

Mr. Patel testified that in the morning and evening, the exit ramps from both north- and south-bound I-81 are "always stacked up" with vehicles "trying to get off the ramp." Photographs of traffic on the ramp that were taken by Mr. Patel were admitted into evidence.[11]

In rebuttal, Mr. Parrott questioned the basis for Mr. Kennedy's conclusion, citing the lack of "queuing measurements," "delay studies," or crash data showing the existence

[10] Mr. Kennedy explained that, even if the ambulance did not utilize an Opticom transmitter to disrupt the traffic signal, traffic moving through the intersection from southbound I-81 on a green signal would still stop to allow the ambulance to clear the intersection, creating the same backup on the exit ramp. Mr. Kennedy stated that an ambulance passing through the intersection on a green light would have no effect on the stacking of vehicles on the exit ramp.

[11] The record contains four photographs, two of which are too dark to decipher. The photographs do not appear to show traffic backed up onto I-81.

of an actual problem. Mr. Parrot characterized Mr. Kennedy's analysis as a "hypothetical problems from a computer-generated model."

The Board unanimously approved the site plan in a written opinion, stating as follows:

> Even assuming that all dispatch calls originate from the [new ambulance] station, it would still only result in [an] average of 2.65 calls per day travelling through both intersections at the interchange. This is more than the actual number, given that dispatches from the field are not included. Moreover, the data reflects the current activity at the subject intersections, which emergency vehicles already utilize coming from CRS' current location. Appellants' argument also fails to take this into account in asserting that the use of Opticom at the interchange will further the negative impact on stacking on the southbound ramp. Based on the real data and not computer-generated hypotheticals, emergency vehicles would only pass through the intersections approximately 2.65 times per day. In order to create the issue that Appellants assert, the vehicle would have to (1) be running a dispatch call east of Interstate 81, (2) approaching a red light on Maugans Avenue thus requiring use of the Opticom, and (3) running during the peak hours window. While this may happen from time to time, it is not likely to be a daily or frequent occurrence.
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> If anything, the proposed relocation may create some minimal additional traffic westbound on Maugans Avenue. However, we give considerable weight to the State Highway Administration and the County which approved [CRS's] proposal. Both entities have considerable expertise and judgment and were certainly familiar with the operation and function of the Interstate 81 interchange at Maugans Avenue. Furthermore, SHA, the County and the Planning Commission all had knowledge of the proposed [urgent care facility] project at Crayton Boulevard and the traffic study associated with that proposal's effect on the interchange. Appellants' contention that the proposed project will have a detrimental impact of traffic, particularly at the Interstate 81 interchange, falls flat.
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> The proposed project is a principally permitted use at the subject property and already occurring in the neighborhood. It will not have an impact on the number of people residing or working in the area and will have minimal effect on the peaceful enjoyment of property or property values, as it already exists in the area. The neighborhood already experiences the noise from emergency vehicle sirens and this would not change because of the

> relocation. The use would not produce any other detrimental effects such as odors, dust, gas, smoke, fumes, vibrations or glare. The effect on traffic, as discussed herein, will be minimal given that emergency vehicles will be traveling the same roads and intersections that they do currently. As a result, the proposed use is an appropriate use of land and structure.

Appellants filed a petition for judicial review of the Board's decision, and the circuit court affirmed. Appellants filed a timely appeal from the decision of the circuit court, presenting the following question for our review, which we have rephrased as follows:[12]

> Did the Board of Appeals fail to accord first priority to safe and uncongested access to and from the interstate highway in approving the site plan?

STANDARD OF REVIEW

"In reviewing a circuit court decision on appeal from an administrative agency decision, our role is precisely the same as that of the circuit court." *Assateague Coastkeeper v. Maryland Dep't of the Env't*, 200 Md. App. 665, 691 (2011) (citations and internal quotation marks omitted). "We review[ ] the agency's decision, and not that of the circuit court." *Id.* (citations and internal quotation marks omitted). Our role is narrow and is "limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Richardson v. Maryland Department of Health*, 247 Md. App. 563, 569 (2020) (quoting *Milliman, Inc. v. Md. State*

[12] Appellants present the following question in their brief:

> In failing to accord first priority to safe and uncongested access to and from the interstate highway, did the Board of Appeals abuse its administrative discretion in granting site plan approval?

Ret. and Pension Sys., 421 Md. 130, 151 (2011)). We may not uphold the agency's decision "unless it is sustainable on the agency's findings and for the reasons stated by the agency." *McDonell v. Harford County Housing Agency*, 462 Md. 586, 620 (2019) (quoting *United Parcel Serv. Inc. v. People's Counsel for Balt. Cnty.*, 336 Md. 569, 577 (1994)).

In reviewing the agency's conclusions of law, "we give appropriate deference to the agency's expertise in its own field." *Richardson*, 247 Md. App. at 570 (citation omitted). "With regard to the agency's factual findings, we do not disturb the agency's decision if those findings are supported by substantial evidence." *McClure v. Montgomery County Planning Bd.*, 220 Md. App. 369, 380 (2014) (citation omitted). "If the facts in the record allow reasoning minds to reach the same determination as the agency, then the determination is based on substantial evidence, and the [reviewing] court has no power to reject that conclusion." *Maryland Real Estate Comm. v. Garceau*, 234 Md. App. 324, 349 (2017) (citations, brackets, and internal quotation marks omitted).

In applying the substantial evidence test, "[w]e defer to the agency's (i) assessment of witness credibility, (ii) resolution of conflicting evidence, and (iii) inferences drawn from the evidence." *Richardson*, 247 Md. App. at 570 (citing *Schwartz v. Md. Dep't of Nat. Res.*, 385 Md. 534, 554 (2005)). "[I]f the issue before the administrative body is fairly debatable, that is, that its determination involved testimony from which a reasonable man could come to different conclusions, the courts will not substitute their judgment for that of the administrative body." *Mitchell v. Maryland Motor Vehicle Admin.*, 225 Md. App. 529, 543 (2015), *aff'd*, 450 Md. 282 (2016) (as corrected on reconsideration, Dec. 6, 2016).

"With respect to matters committed to agency discretion, a reviewing court applies the 'arbitrary and capricious' standard of review, which is 'extremely deferential' to the agency." *Maryland Dep't of the Env't v. Cty. Commissioners of Carroll Cty.*, 465 Md. 169, 202 (2019) (citations omitted), *cert. denied sub nom.*, 140 S. Ct. 1265 (2020)). In evaluating whether an agency's decision was "arbitrary and capricious," we consider the following:

> whether the agency relied on factors which [the legislative body] has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.

Maryland Dep't of the Env't v. Anacostia Riverkeeper, 447 Md. 88, 121 (2016) (citation and internal quotation marks omitted.)

DISCUSSION

As noted, the subject property is located in the Highway Interchange District, which was established "to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles." Washington County Zoning Ordinance ("Z.O.") § 19.1 "In addition to providing accessible locations, the Highway Interchange District is intended to protect the safe and efficient operation of the interchange and to promote its visual attractiveness." Z.O. § 19.1.

All development in the Highway Interchange District requires site plan review and approval.[13] Z.O.§ 19.5. Section 19.5 of the zoning ordinance governs site plan review of development in the Highway Interchange zoning district and, in pertinent part, provides as follows:

> The Planning Commission shall apply the following general standards when approving site plans for development in the [Highway Interchange] District:
>
> (a) **Interchange access**: First priority shall be given to insuring safe and uncongested access to and from the interstate highways from all connecting roads. Future as well as present traffic volumes shall be considered by the Planning Commission. In the site plan review, the Planning Commission shall consider the location and spacing of ingress and egress and shall not permit them where they will interfere with traffic movement to or from the approach ramps. Where determined appropriate to protect or improve the function and safety of the interchange and with the advice of the County Division of Public Works and/or the State Highway Administration, the Planning Commission may limit the number of *access points*, or require that multiple properties share a common access point with the appropriate joint use agreements or cross easements. Frontage roads may be required when deemed appropriate by the Commission.

Appellants contend that the Board made a finding that "an unsafe traffic condition is likely to occur from time to time," but failed to give it sufficient weight, in contravention of the requirement in Z.O. § 19.5 to give first priority to ensuring safe and uncongested access to and from I-81. Appellants argue that, therefore, the Board's approval of the site plan was arbitrary and capricious and must be reversed.

[13] A site plan is "an illustrated proposal for the development or use of a particular piece of real property [depicting] how the property will appear if the proposal is accepted." *County Council of Prince George's County v. FCW Justice, Inc.*, 238 Md. App. 641, 647 (2018) (quoting BLACK'S LAW DICTIONARY 1599 (10th ed. 2014)).

CRS asserts that the Board did not find that the proposed use of the subject property would result in unsafe or congested access to or from I-81, but instead found that there would be no detrimental impact on traffic safety at the I-81 interchange. CRS further contends that the Board's finding was based on substantial evidence, and that the Board's obligation to prioritize "safe and uncongested access to and from the interstate highways from all connecting roads" was satisfied, as evidenced by the fact that it was the only consideration addressed at the hearing. We agree with CRS.

We disagree with the factual predicate for appellants' argument, which is that the Board "expressly acknowledged" and "affirmatively found" that operation of the proposed ambulance station from the subject property would result in an unsafe traffic condition. In support of their contention, appellants point to isolated language in the Board's opinion, where the Board stated that:

> In order to create the issue that Appellants assert, the vehicle would have to (1) be running a dispatch call east of Interstate 81, (2) approaching a red light on Maugans Avenue thus requiring use of the Opticom, and (3) running during the peak hours window. While this may happen from time to time, it is not likely to be a daily or frequent occurrence.

Read in context, it appears that the Board was not making a finding, but was merely observing that, because an ambulance would pass through the intersection, at most, only 2.65 times per day, the concurrence of events upon which Mr. Kennedy's opinion was based would be an infrequent occurrence.

Our interpretation is consistent with the following paragraph of the Board's opinion, where the Board expressly rejected appellants' argument, stating that, "appellants' contention that the proposed project will have a detrimental impact on traffic, particularly

at the Interstate 81 interchange, falls flat." Indeed, the Board concluded that the only potential effect on traffic would be "minimal traffic westbound on Maugans Avenue," which is in the opposite direction from I-81. Accordingly, because the factual predicate for appellants' argument is based on a misinterpretation of the Board's findings, appellants' argument fails.

We are satisfied that, in approving the site plan, the Board gave "first priority," or primary consideration,[14] to insuring safe and uncongested access to and from I-81. The entire focus of the hearing related to the issue of traffic safety at the I-81 interchange at Maugans Avenue. The Board heard testimony from three engineers, two of whom presented their detailed analysis of current and future traffic conditions. The Board asked questions of the witnesses and counsel for the parties and considered the parties' arguments on the traffic safety issue. The Board discussed the traffic issue in deliberations, and the rationale in the Board's written opinion approving the site plan focused almost exclusively on the issue of whether the proposed use of the subject property would result in unsafe access to and from I-81.

Moreover, there was substantial evidence to support the Board's finding that the proposed use as reflected in site plan would not have a detrimental impact on traffic at the I-81 interchange. CRS's witness, Mr. Parrott, using methodologies employed by SHA and

[14] Because the phrase "first priority" is not defined in the zoning ordinance, we construe it according to its plain and ordinarily understood meaning. *See Sweet v. State*, 163 Md. App. 676, 687 (2005) (stating that, where a term at issue has no statutory definition, we "give that phrase its plain and ordinarily understood meaning.") (citation omitted).

by Washington County, analyzed the effect that traffic generated by the ambulance station would have on the intersection and opined that there would be no effect on traffic moving to or from I-81.[15] SHA reviewed the site plan and affirmatively indicated that it had no comment.[16] The single, Opticom-equipped ambulance operated by CRS currently passes through the I-81 interchange apparently without incident, as there was no evidence of back-ups onto I-81 or accidents resulting from such a back-up. Furthermore, contrary to appellants' suggestion that the Board "discounted" the "impact of doubling the number of ambulances" travelling through the intersection, Mr. Parrott's analysis, which the Board apparently credited, assumed the operation of two ambulances. Even assuming the eventual operation of two ambulances from the subject property, and considering future increases in traffic volume, Mr. Parrott opined that the intersections of Maugans Avenue and I-81 would continue to operate at acceptable levels.[17]

[15] It was not improper for the Board to accept the testimony of Mr. Parrott over that of Mr. Kennedy. *See Maryland Reclamation Assocs., Inc. v. Harford County*, 468 Md. 339, 367 (2020) ("[W]hen there are differing opinions of two well-qualified experts and a zoning issue is fairly debatable, then the County Board could 'quite properly' accept the opinion of one expert and not the other.") (citations omitted), *cert. denied*, ___S. Ct. ___ , 2020 WL 6037255 (October 13, 2020).

[16] We disagree with appellants' suggestion that it was improper for the Board to consider evidence that SHA indicated that it had no comments about the site plan because there was no evidence of the analysis performed by SHA. Under the circumstances of this case, it was reasonable for the Board to infer that SHA's review of a site plan in the HI zoning district involved consideration of the potential effects that the proposed use would have on the access and exit ramps leading to and from I-81.

[17] Appellants rely on *Price v. Cohen*, 213 Md. 457 (1957) and *Bonhage v. Cruse*, 233 Md. 10 (1963) in support of their argument that the Board failed to give appropriate consideration to safe and uncongested access to and from I-81. Their reliance is misplaced as, in both cases, the evidence from the party seeking the zoning decision

In sum, we conclude that the Board's decision was supported by substantial evidence and was not based on an erroneous conclusion of law. Accordingly, we affirm the decision of the circuit court.

JUDGMENT OF THE CIRCUIT COURT FOR WASHINGTON COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANTS.

tended to establish that the proposed use would result in an increased traffic hazard and/or congestion on the existing roads. *Price*, 213 Md. at 462, *Bonhage*, 233 Md. at 15. Here, by contrast, CRS introduced substantial evidence, specifically through Mr. Parrott's testimony that, according to criteria established by Washington County and by SHA, the proposed use of the subject property would not result in an unsafe traffic hazard for vehicles exiting the interstate onto Maugans Avenue. It was the Board's task to weigh this evidence against that presented by appellants and make a factual determination.