



The Coastal Association of REALTORS®, (CAR) protects, supports, and advances REALTORS® and property owners by delivering advocacy, education, and services that strengthen professionalism, integrity, and business success.

Wicomico County Legislative Bill 2026 – 02

Effective May 17 (60 days following passage)

Purpose:

Comply with Chesapeake Bay Critical Area Act (Natural Resources Article §§ 8-1801–8-1817 and COMAR Title 27) by repealing the previous County Critical Area Act of 1989

Goals:

1. Minimize water pollution
2. Protect wildlife and habitats
3. Guide land use in Critical Bar Areas (CBA)
4. Address climate change
5. Development equity

Affected Residents:

1. Property owners in CBAs
2. Properties near the Chesapeake Bay and its tributaries

Equity & Climate Change:

“Ensure an equitable distribution of the burdens and benefits to development, mitigation, restoration, conservation, and adaptation to climate change within the Critical Area”

Impact:

1. Staff can consider whether environmental burdens fall repeatedly on the same communities.
2. Staff can consider the location of the benefits of development.

ANTITRUST STATEMENT

Coastal Association of REALTORS® thanks you for your participation in the meeting. As a reminder, all Association conferences, meetings, continuing education classes or any other professional or social gatherings must be conducted in full compliance with federal and state antitrust laws. Discussion on any topic suggesting an intent to restrict competition or fix prices is improper. These discussions and topics include individual company policies, pricing, business and customer strategies and practices, including commission amounts or splits.

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3. Staff may require additional mitigation measures if a project disproportionately burdens a specific population or area.

Permitting Conditions:

1. Previously, permitting was tied to water quality or habitat
2. Now, permitting conditions are tied to climate resilience, mitigation location, restoration to impacted communities.

Appeals / violations / hearings:

1. Previously, objections / complaints concerned buffer violations and environmental harm.
2. Now, objections can concern buffer violations, environmental harm, **disproportionate impacts, unequal conservation burdens.**
3. This is an expansion of hearings and appeals.

Buffers / variances:

1. Previous buffer rules were narrow to water quality. Now, water quality, habitat conservation, climate change, and equity are considered when setting a buffer.
2. Main change – buffers were set previously on a single objective, now they are set based on multiple objectives.
3. Applicants must show
 1. No feasible alternative other than a variance
 2. Mitigation efforts proportional to disturbances / harm
 3. No loss of buffer function
 4. Minimum necessary intrusion

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4. Encroachments are subject to greater scrutiny, even if physically possible.

CBA BUFFER:

100 feet landward from:

- Mean high water line of tidal waters
- Landward edge of tidal wetlands
- Edge of tidal tributary

Buffers must be expanded beyond 100 feet if any of the following conditions exist:

- Steep slopes (greater than 15 degrees)
 - 4 feet of buffer expansion is required for each 1% of slope greater than 15%
- Hydric soil
- Highly erodible soil
- Contiguous wetlands

This is a MINIMUM buffer requirement; further distance may be imposed by the County following the review of the application with the new consideration requirements.

Special Buffer Areas:

These are legacy residential areas and are designated on CBA maps approved by the State.

- New developments cannot be closer than 25 feet from water or tidal wetlands.
- Accessory structures within 50 feet of water may not exceed 500 square feet.
- Accessory structures farther than 50 feet may not be larger than 1,000 square feet.
- Variances will likely be granted to Special Buffer Area properties.

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Mitigation Ratios:

1. Previous law had specific ratios for amount of disturbed CBA and required mitigation (traditionally 1:3 or 1:4)
 1. x. 100 square feet of disturbed CBA requires 400 square feet of mitigation
2. New law no longer follows this guideline explicitly and can make other requirements
3. Staff can require a HIGHER RATIO of mitigation, and must consider climate change, habitat, wetlands, and community impact.
4. Because equity is now a required consideration, mitigation cannot be wherever is convenient or cheap.
 1. Mitigation can be required to be in the same watershed as the disturbance, in areas where there've been prior impacts, in areas where benefits are near impacted communities.

Enforcement & Penalties:

Generally, the enforcement and penalties for violations are more flushed out and are stronger.

1. Civil fines (daily fines or fines per violation) can be imposed subject to the jurisdiction of the Wicomico County Code's penalty provisions and the Maryland Critical Area Act's enforcement standards.
2. Stop Work Orders can be issued.
3. The County can require the removal of unlawful structures, revegetation of disturbed buffers, restoration ratios exceeding the disturbed area, long term maintenance of disturbed areas.
4. The County can take violators to court.

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The expectation is that fines will be applied more consistently and violators will be held to remediation at a higher degree now.

This bill is about 250 pages long, and the information above summarizes major changes and takeaways. To view the bill in its entirety, [click here](#).

Hunter Isaac

Government Affairs Director

Coastal Association of REALTORS

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