

April 20, 2000

Mr. J. Michael Flagg, P.E.
Chief of Engineering
Hanover County
Post Office Box 470
Hanover Courthouse
Hanover, VA 23069

RE: Fencing in the Resource Protection Area

Dear Mr. Flagg:

The Department has considered your recent request regarding the requirements of the Chesapeake Bay Preservation Act as it relates to the construction of fencing in the Resource Protection Area (RPA).

Fences are considered accessory uses, and, since they are typically parallel and adjacent to property boundaries, may be intrinsically located along property lines, which in some cases traverse RPA buffers. Fences also do not constitute significant areas of impervious surfaces and, therefore, if designed appropriately, do not impact the water quality functions of vegetated buffers. Other accessory uses (e.g., decks, porches, pools, and garages) are significant areas of impervious surfaces and also do not need to be located within the RPA buffer. These other accessory uses are not allowed by right in the RPA buffer.

Fences should be designed so that they do not inhibit or alter surface flow. In order to maintain the functional value of the buffer, vegetation may only be removed to provide for the actual placement of the fence. In addition, any vegetation removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Standard setbacks for structures from property lines may also apply for fencing.

I hope this response clarifies the Department's opinion and proves helpful to the County in resolving this issue. If I can be of further assistance, or if you have any questions or concerns, please contact me at (804) 786-1801.

Sincerely,

Laura Edmonds
Principal Planner

c: Rebecca G. Draper, P.E., Director of Public Works
Shepard Moon, Chief of Planning, CBLAD

(DCR – CBLAB – 025)(12/05)