

PLANNING COMMISSION MINUTES

January 5, 2010

The Rockingham County Planning Commission met on Tuesday, January 5, 2010, in the Community Development Community Room in the Rockingham County Administration Center. Members present were Chairman Dewey Ritchie, Vice Chairman James Shiflet, Chris Runion, William G. O'Brien, and Jon Ritenour. Staff members present were Director of Community Development, William L. Vaughn; Director of Planning, Rhonda G. Henderson; Planner, Daniel W. Thompson; County Administrator, Joseph Paxton; Deputy County Administrator, Stephen King; Superintendent, Dr. Carol Fenn; Director of Finance, James Allmendinger; Director of Recreation and Facilities, Wendell Eberly; Director of Public Works, Warren G. Heidt; and Administrative Assistant, Betty-Gayle Dove.

Chairman Ritchie called the meeting to order at 5:00 p.m. and recognized the staff who presented the Capital Improvement Plan (CIP) for FY2011-2015. The Capital Project Request forms and the related spreadsheets presented to the Commission are included in the official minutes.

Mr. Vaughn stated the CIP consists of ten projects for FY2011-2015, four of the projects will be completed this year, and one new project will be added next year. He explained the CIP is an annual plan that covers a five-year period for non-recurring projects; it is used to develop the annual operating budget, but the CIP does not bind the Board of Supervisors to implement it.

Each of the capital project requests was presented.

Mr. Ritchie opened the public hearing at 5:45 p.m.

No one from the public spoke in favor of or in opposition to the CIP.

Mr. Vaughn recommended the Planning Commission accept the CIP as presented.

Mr. O'Brien recommended forwarding the CIP, as presented, to the Board of Supervisors for consideration in the upcoming budget. Mr. Ritenour seconded the motion, and the motion carried on a 5-0 vote.

At 5:50 p.m., the Planning Commission recessed for dinner until 6:30 p.m. when the meeting was called back to order in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Chairman Dewey Ritchie, Vice Chairman James Shiflet, William G. O'Brien, Jon Ritenour, and Chris Runion. Staff members present were Director of Community Development, William L. Vaughn; Director of Planning, Rhonda G. Henderson; Planner, Daniel W. Thompson; Zoning Administrator, Diana Stultz; County Attorney; Thomas Miller, and Administrative Assistant, Betty-Gayle Dove.

Mr. Ritenour offered the Pledge of Allegiance and Invocation.

MINUTES

On motion by Mr. Shiflet, and seconded by Mr. O'Brien, the December 1, 2009, minutes were approved with a 5-0 vote.

Mr. O'Brien requested the Commissioners reconsider the approved November 4, 2009 minutes because it had been brought to his attention that two entries were inadvertently misstated. Mr. O'Brien motioned to approve November 4, 2009 minutes with noted corrections, and Mr. Runion seconded the motion. The November 4, 2009 minutes were approved with a 5-0 vote.

Chairman Ritchie announced the manufactured home park ordinance amendment, OA09-13, had been withdrawn.

RENEWAL OF AGRICULTURAL & FORESTAL DISTRICTS

OA10-01, Amendment to Chapter 17, Zoning Ordinance, Article XI, Division 3, Section 17-236 through 17-238, Oak Grove AFD to revise the total acreage to 1,223 acres, revise the conditions, and renew the District for a 7-year period.

OA10-02, Amendment to Chapter 17, Zoning Ordinance, Article XI, Division 4, Section 17-240 through 17-242, Dry River AFD to revise the total acreage to 6,484 acres, revise the conditions, and renew the District for a 10-year period.

OA10-03, Amendment to Chapter 17, Zoning Ordinance, Article XI, Division 5, Section 17-244 through 17-246, Spring Creek AFD to revise the total acreage to 2,760 acres, revise the conditions, and renew the District for 10-year period.

Mr. Dwight Newman provided a brief summary of the proposed district renewals and changes to the Oak Grove, Dry River, and Spring Creek Agricultural and Forestal District conditions, and stated the Agricultural and Forestal District Advisory Committee recommended approval of the proposed changes.

The Commission opened the public hearing at 6:43 p.m.

There was no one to speak in favor of or in opposition to the request.

The Commission closed the public hearing at 6:45 p.m.

Mr. Runion motioned to recommend approval, Mr. Shiflet seconded the motion, and the motion carried with a 5-0 vote.

ORDINANCE AMENDMENTS

OA10-04, Amendment to Chapter 17, Zoning Ordinance, Article XI, Division 8, Section 17-256, Cross Keys South Agricultural and Forestal District, to add 2.41 acres of tax parcel 151-(A)-L80, pursuant to Code of Virginia, Section 15.2-4310. The tax parcel is owned by Douglas Hurst.

Mr. Thompson presented the ordinance amendment request.

The Commission opened the public hearing at 6:45 p.m.

There was no one to speak in favor of or in opposition to the request.

The Commission closed the public hearing at 6:45 p.m.

Mr. Ritenour motioned to recommend approval, Mr. Shiflet seconded the motion, and the motion carried with a 5-0 vote.

OA09-14 & OA09-15, Amendment to Chapter 17, Zoning Ordinance, Article III, Section 17-6, to define short-term rental, and Article VI, Section 17-64(t), to permit short-term rentals in the R-4 (Residential Planned Community) Zoning District.

At 6:45 p.m., the Commission opened the public hearing that was continued from the November 4, 2009 meeting.

Mr. J. C. Powell, resident of Massanutten, stated he has lost property value due to short-term rentals, and short-term rentals bring more crime to the Massanutten area.

Mr. Dick Lorette, resident of Massanutten, stated "most of the short-term rental owners do not live in our community".

Mr. Robert Bloomquist, resident of Massanutten, remembers signing a covenant with Massanutten Property Owner's Association (MPOA) when he purchased his home that explained the restrictions for the use of the

property. Mr. Bloomquist stated the proposed ordinance amendment appears to go against the covenant he signed as a property owner.

Mr. Clint Robertson, MPOA Board member and Rules Committee Chairman, stated that the MPOA has sent out the rental agreements. The MPOA is starting to see some of those come back, as well as hearing from property owners that they will not sign the agreement. Mr. Robertson asked the Planning Commission to "put some weight behind" the ordinance amendment before they approve the amendment.

Ms. Shirley Tranquil, resident of Massanutten, stated that many residents of Massanutten question why the County would consider allowing short-term rentals when the residents of Massanutten do not want them.

Mr. Gene Hauze, resident of Massanutten, wanted to make sure the Commission had received copies of his letters. He explained some of the history regarding short-term rentals in Massanutten.

Ms. Jan Lorette, resident of Massanutten, stated the Board of Supervisor's has approved 12 revisions to the Master Plan and would like to know why short-term daily rentals were never included in any of the revisions.

Dr. Chris Ludica, who owns rental property in Massanutten, stated the proposed ordinance amendment parallels with the Court's ruling on short-term rentals, and that a court order states that short-term rentals in Massanutten are permitted.

The Commission closed the public hearing at 7:15 p.m.

Ms. Stultz presented staff's recommendation of approval by stating:

Both State Code and County Code define a family as "a single housekeeping unit comprised of the following: One (1) person living alone; two (2) or more persons related by blood, marriage, or adoption; or as many as four (4) unrelated individuals. The above are to be distinguished from a boarding house, lodging house, club, fraternity, tourist home, or hotel." Short-term rentals can be rented by families but are often a larger group of unrelated people. This definition would allow for those larger groups. Additionally, the less than thirty (30) day stipulation would separate short-term rentals from someone who is renting a residence full-time in the County.

Mr. O' Brien began his motion by stating:

From its inception, the R4-zoned Massanutten Village was master planned as a resort community. Since that time, detached housing units have been used for full-time living and short-term stays.

The Massanutten community's concerns regarding noise, uncontained trash, improper parking, public drinking, etc. are real concerns, and the Commission empathizes with the community. However, the means to address these offenses, whether caused by a full-time resident or a short-term renter, are already available to the community. The MPOA has a Rules Committee and a police department. It is the responsibility of the MPOA to enforce its rules or establish additional rules, if needed, and for the MPOA police to exercise its powers. The Commonwealth's Attorney has confirmed that MPOA police officers have all the powers and duties of the Rockingham County Sheriff's Department as set out in Virginia Code §9-1-101; 15.2-1705; 19.2-13; and 19.2-18. The MPOA police officers can enforce a breach of the peace.

The Commission was advised by Mr. Dave Walton, at the November 4 Planning Commission hearing, that when he asked the Massanutten Police to enforce rules and regulations regarding the rental issue, he was informed, and I quote, "the police department has said they have no authority to enforce any infractions that occur." Also, Mr. Carter Miller stated that the officers could make a request to quiet down the noise. I take issue with these statements.

Some of the discussion has focused on occupancy as the issue: if the number of occupants or the length of time a unit is occupied is addressed, then the other problems might go away. However, it seems that addressing occupancy is an indirect attempt to avoid addressing the real problems and, by doing so, creates unintended negative consequences rather than actually solving the existing problems. Additionally, a locality cannot establish ordinances that treat owner-occupied units differently from renter-occupied units.

It is imperative that this resort community assume its rightful responsibility to oversee and enforce its rules and exercise its police power to address its problems directly. This is not the responsibility of Rockingham County.

Therefore, I move that the Planning Commission recommend to the Board of Supervisors approval of the ordinances amending Sections 17-6 and 17-64 as they relate to short-term rentals.

Mr. Ritenour seconded the motion by stating he also believes it is the responsibility of the MPOA to regulate short-term rentals.

Mr. Shiflet asked to vote on the two amendments separately.

Mr. Miller advised the Commission to be careful of approving one of the amendments and not both of the amendments, as this would cause difficulties with the code.

Mr. Shiflet stated he does not know the answer to the short-term rentals problems, but he is "not comfortable throwing the door wide open" for short-term rentals. He stated that "he has problems voting for "an open ended ordinance." Mr. Shiflet explained that is why he asked to vote on the two items separately.

Mr. Ritenour called for the question. The motion to recommend approval carried with a 4-1 vote.

The Commission recessed at 7:33 p.m. for ten minutes.

REZONINGS

RZ09-09, Harvey Varner, 6805 Koiner Ford Rd, Mt. Crawford, to rezone 6.105 acres from A1 (Prime Agricultural) to A2 (General Agricultural) on tax parcel 150-(A)-L21A. The site is located on the west side of Koiner Ford Rd (Rt.995), and south side of Fairview Rd (Rt. 693), in Election District #3. The Comprehensive Plan designates this area as Agricultural Reserve. If the rezoning is approved, the applicant plans to apply for a special use permit to operate a public garage.

Mr. Thompson presented the request.

The Commission opened the public hearing at 7:45 p.m.

Mr. Harvey Varner, the applicant, stated he had obtained permits for the building out of which his son-in-law works. He did not know he was in violation until a couple of months ago. He stated that it is not a retail shop: nothing is sold out of the shop.

Mr. George Rhodes, a neighbor approximately two miles away, stated he takes his farm vehicles there to be worked on and is in favor of the request.

There was no one else to speak in favor of or in opposition to the request.

The Commission closed the public hearing at 7:53 p.m.

Mr. Thompson gave staff's recommendation for denial stating that:

This area, in farmland and scattered residences, is designated as Agricultural Reserve in the Comprehensive Plan. The Comprehensive Plan states "one of the primary goals of the Plan is to preserve the agricultural industry and economy" and that "commercial uses are more appropriate in the Urban Growth Areas located around Harrisonburg and the towns, as delineated on the conceptual land use maps in the Comprehensive Plan."

Mr. Ritenour motioned to recommend approval, seconded by Mr. O'Brien, and the motion carried with a 5-0 vote.

RZ09-11, Gregory Propst, 5215 Scholars Rd, Mt. Crawford, to rezone 1.5 acres from A1 (Prime Agricultural) to A2 (General Agricultural) on a portion of tax parcel 138-(A)-L123. The site is located north of Scholars Rd (Rt. 988), and approximately two-tenths of a mile east of Valley Branch Rd (Rt. 989), in Election District #3. The Comprehensive Plan designates this area as Agricultural Reserve. If the rezoning is approved, the applicant plans to apply for a special use permit to operate a small contractor's business.

Mr. Thompson presented the request.

The Commission opened the public hearing at 7:55 p.m.

Mr. Greg Propst, the applicant, stated he started the business after he built his own house on the same property and would like to continue to keep his business and the excavating equipment on his property. He stated he has twelve pieces of equipment and six or seven of them move from job to job. He also acknowledged that his two employees would no longer be able to come to the property if the rezoning request is approved.

Mr. George Shifflett stated he works on Mr. Propst's truck tires. Mr. Shifflett explained that Mr. Propst always takes the trucks to Mr. Shifflett's because he does not want the noise at his place. Mr. Shifflett is in favor of the rezoning.

Mr. George Rhodes stated he sold Mr. Propst the land and he is in favor of the rezoning.

Mr. Ritenour motioned to recommend approval, seconded by Mr. O'Brien, and the motion carried with a 5-0 vote.

Ms. Julie Propst asked the Commission to consider the request so that they can provide for their son.

The Commission closed the public hearing at 8:13 p.m.

Mr. Thompson gave staff's recommendation for denial by stating that:

This area, in farmland and scattered residences, is designated as Agricultural Reserve in the Comprehensive Plan. The Comprehensive Plan states "one of the primary goals of the Plan is to preserve the agricultural industry and economy" and that "commercial uses are more appropriate in the Urban Growth Areas located around Harrisonburg and the towns, as delineated on the conceptual land use maps in the Comprehensive Plan."

Mr. Ritenour motioned to table the request, seconded by Mr. O'Brien, and the motion carried with a 4-1 vote.

RZ09-08, Skybox LLC, 1168 Nelson Drive, Harrisonburg, VA to rezone 14.94 acres from A2 (General Agricultural) to R2 (Medium-Density Residential) on tax parcel 94-(A)-L5C. The site is located on the east side of Harpine Highway (Rt. 42), and directly across from Willow Run Road (Rt. 767), in Election District #2. The Comprehensive Plan designates this area as Community Residential. R2 zoning allows single-family detached units and two-unit attached units.

Mr. Thompson presented the request.

The Commission opened the public hearing at 8:16 p.m.

Mr. Seth Roderick, of Valley Engineering Surveying Planning and representing the applicant, gave a brief general overview of the proposed development. Mr. Roderick explained the proposed layout of the development, and stated it will have public water and a small privately operated grinder pump system for each dwelling.

Mr. Runion asked if the proposed layout was proffered.

Mr. Roderick stated it was not proffered.

Ms. Char Jacob, an adjoining landowner, is concerned with overloading the schools and with transportation issues.

Mr. Bob Jacob, an adjoining landowner, is concerned with having only one way in and one way out of the development; this also presents fire and safety issues.

Mr. John Weaver spoke to the school redistricting issue by stating that his son was redistricted to Broadway even though he lives less than five miles from Linville-Edom Elementary School.

Ms. Margaret Ritchie, an adjoining landowner, is concerned with storm water issues.

Dr. Rebecca Botticelli, the applicant, stated she understands the concerns of the adjoining neighbors.

Mr. Runion explained how proffers make everyone more comfortable.

Ms. Henderson explained to Mr. Roderick and Dr. Botticelli that they could not submit verbal proffers during the Planning Commission, but could submit proffers after the meeting to be presented to the Board of Supervisors.

Dr. Botticelli explained that she thought they needed acceptance of the general plan before presenting proffers and they are willing to submit proffers.

The Commission closed the public hearing at 8:32 p.m.

Due to the issues raised by the proposed layout presented by the applicant, Mr. Thompson stated staff recommends tabling this request.

Mr. Shiflet motioned to continue the hearing until the next meeting due to conflicting information being presented to the Commission. The motion died for lack of a second.

Mr. Ritenour motioned to table the request, Mr. Shiflet seconded the motion, and the motion carried with a 5-0 vote.

RZ09-62, Mountain View Apartments, PO Box 24, Bridgewater, VA to rezone 10.04 acres from A2 (General Agricultural) to B1-C (General Business with Conditions), 11.68 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions), and .47-acre from R3 (General Residential) to B1-C (General Business with Conditions) on tax parcel 125-(A)-L3. The site is located on the west side of Port Republic Road (Rt. 253) and approximately .3-mile north of Stone Spring Road (Rt. 726) in Election District #3. The Comprehensive Plan designates this area as Community Residential. R3 zoning allows single-family detached dwellings, two-unit attached dwellings, townhouses, and apartments. Proffers have been submitted which address landscaping, open space, buffering, parking, building design, and the site's road layout.

Mr. Thompson presented the request.

The Commission opened the public hearing at 9:20 p.m.

Mr. Nathan Miller, representing the applicant, summarized the request.

There was no one else to speak in favor of or in opposition to the request.

The Commission closed the public hearing at 9:39 p.m.

Mr. Thompson gave staff's recommendation for approval stating that:

The Comprehensive Plan designates this area as Community Residential within an Urban Growth Area. Within these areas, land uses should be mixed so that residents have opportunities to live, work, and shop in their neighborhood. The proposed development could provide a neighborhood scale of uses compatible with the surrounding land uses.

The adjoining property in the City consists of existing and planned single-family dwellings. The rezoning site should be developed in a manner that is both compatible and respectful to the adjoining land uses. The Comprehensive Plan recommends a net density of two (2) to six (6) dwelling units per acre for projects in the Community Residential areas. Staff recommends that the applicant follow the Comprehensive Plan's recommendation and limit the proposed development's net density to no more than six (6) dwelling units per acre.

Mr. Ritenour motioned to recommend approval, seconded by Mr. O'Brien, and the motion carried with a 5-0 vote.

RZ09-72, Lisa Whedbee, 2177 Pineville Rd., McGaheysville, VA to rezone 1 acre from B1-C (General Business with Conditions) to B1-C (General Business with Revised Conditions) on tax parcel 129-(A)-L63A. The site is located west of Mt. Olivet Church Rd. (Rt. 644) and approximately 300 feet south of Spotswood

Trail (Rt. 33) in Election District #5. The Comprehensive Plan designates this area as Commercial. The applicant is proposing to amend the existing proffers to allow for a café and retail sales shop.

Mr. Thompson presented the request.

The Commission opened the public hearing at 9:44 p.m.

Ms. Lisa Whedbee summarized her request.

There was no one else to speak in favor of or in opposition to the request.

The Commission closed the public hearing at 9:48 p.m.

Mr. Thompson gave staff's recommendation for approval stating that:

The rezoning site is in an area designated by the Comprehensive Plan as Commercial and recognized by the McGaheysville Area Plan as a gateway into the McGaheysville community. The McGaheysville Area Plan Vision Statement stipulates that commercial development should be clustered in distinct, well-defined nodes. This site is located within an existing commercial node and would be compatible with the existing commercial uses.

Mr. O'Brien motioned to recommend approval, seconded by Mr. Runion, and the motion carried with a 5-0 vote.

UNFINISHED BUSINESS

The Commission had no unfinished business.

MISCELLANEOUS

Mr. Henderson stated that a new Harrisonburg City Liaison needed to be appointed for the upcoming year.

Mr. Runion motioned to reappoint Mr. Shiflet as the Harrisonburg City Liaison, Mr. Ritenour seconded the motion, and the motion carried on a 5-0 vote.

ADJOURNMENT

At 9:52 p.m., having no further business, Mr. Runion motioned to adjourn the meeting, Mr. Ritenour seconded the motion, and the motion carried on a 5-0 vote.

Dewey Ritchie, Chairman

Betty-Gayle Dove, Secretary

**ORDINANCE AMENDING
SECTION 17-6
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17 - 6. "Specific definitions" be and hereby is amended to include among the definitions already set forth, in alphabetical order, the following:

Short-term rental. The rental of a single-family or individual multifamily dwelling by one or more persons or groups of occupants for lodging for any period less than thirty (30) days.

This ordinance shall be effective from the ___ day of January, 2010.

Adopted the ___ day of January, 2010.

	Aye	Nay	Abstain	Absent
Supervisor Cuevas				
Supervisor Eberly				
Supervisor Floyd				
Supervisor Kyger				
Supervisor Breeden				

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

10/26/09

Both State Code and County Code defines a family as "A single housekeeping unit comprised of the following: One (1) person living alone; two (2) or more persons related by blood, marriage, or adoption; or as many as four (4) unrelated individuals. The above are to be distinguished from a boarding house, lodging house, club, fraternity, tourist home, or hotel.

Short-term rentals can be rented by families but are often a larger group of unrelated people. This definition would allow for those larger groups.

Additionally, the less than thirty (30) day stipulation would separate short term rentals from someone that is renting a residence full-time in the County.

PLANNING COMMISSION RECOMMENDATION

CONTINUE 11/4/09

To give the Planning Commission time to evaluate the information provided by both sides tonight and to get more information on things that were said tonight, by a vote of 5 to 0, the Commission recommended continuing the public hearing until the January 5, 2010 hearing.

PLANNING COMMISSION RECOMMENDATION

APPROVAL 1/5/10

With a vote of 4 to 1, the Planning Commission recommended approval of the amendment. This approval was based on the following statements.

(1) From its inception, the R4-zoned Massanutten Village was master planned as a resort community. Since that time, detached housing units have been used for full-time living and short-term stays.

(2) The Massanutten community's concerns regarding noise, uncontained trash, improper parking, public drinking, etc. are real concerns. The means to address these offenses, whether caused by a full-time resident of a short-term renter, are already available to the community. The MPOA has a Rules Committee and a police department. It is the responsibility of the MPOA to enforce its rules or establish additional rules if need, and for the MPOA police to exercise its powers. The Commonwealth's Attorney has confirmed that MPOA police officers have all the powers and duties of the Rockingham County Sheriff's Department as set out in Virginia Code §9-1-101; 15.2-1705; 19.2-13 and 19.2-18.

(3) Some of the discussion focused on occupancy as the issue; if the number of occupants or length of time a unit is occupied is addressed, then the other problems go away. However, it seems that addressing occupancy is an indirect attempt to avoid addressing the real problems and, by doing so, creates unintended negative consequences rather than actually solving the existing problems.

(4) A locality cannot establish ordinances that treat owner-occupied unites differently from renter-occupied units.

(5) It is imperative that this resort community assume its rightful responsibility to oversee and enforce its rules and exercise its police power to address its problems directly. It is not the responsibility of Rockingham County.

**ORDINANCE AMENDING
SECTION 17 – 64
BY ADDIING
SUB-SECTION 17 - 64 (t)
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY,
VIRGINIA:

That Section 17 - 64. "Permitted Uses" be and hereby is amended by adding subsection
17 – 64(t) as follows:

Sub - Section 17 – 64(t) Short term rental.

This ordinance shall be effective from the __ day of January, 2010.

Adopted the __ day of January, 2010.

	Aye	Nay	Abstain	Absent
Supervisor Cuevas				
Supervisor Eberly				
Supervisor Floyd				
Supervisor Kyger				
Supervisor Breeden				

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

10/26/09

As the R-4 District is more of a resort type district than other zoning districts in the County and cater more to tourism, staff feels it is appropriate to allow short term rentals in the R-4 District.

PLANNING COMMISSION RECOMMENDATION

CONTINUE 11/4/09

To give the Planning Commission time to evaluate the information provided by both sides tonight and to get more information on things that were said tonight, by a vote of 5 to 0, the Commission recommended continuing the public hearing until the January 5, 2010 hearing.

PLANNING COMMISSION RECOMMENDATION

APPROVAL 1/5/10

With a vote of 4 to 1, the Planning Commission recommended approval of the amendment. This approval was based on the following statements.

(1) From its inception, the R4-zoned Massanutten Village was master planned as a resort community. Since that time, detached housing units have been used for full-time living and short-term stays.

(2) The Massanutten community's concerns regarding noise, uncontained trash, improper parking, public drinking, etc. are real concerns. The means to address these offenses, whether caused by a full-time resident of a short-term renter, are already available to the community. The MPOA has a Rules Committee and a police department. It is the responsibility of the MPOA to enforce its rules or establish additional rules if need, and for the MPOA police to exercise its powers. The Commonwealth's Attorney has confirmed that MPOA police officers have all the powers and duties of the Rockingham County Sheriff's Department as set out in Virginia Code §9-1-101; 15.2-1705; 19.2-13 and 19.2-18.

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(4) A locality cannot establish ordinances that treat owner-occupied unites differently from renter-occupied units.

(5) It is imperative that this resort community assume its rightful responsibility to oversee and enforce its rules and exercise its police power to address its problems directly. It is not the responsibility of Rockingham County.