



**PLANNING COMMISSION
SUPPLEMENTAL AGENDA**

October 20, 2016

7:00 p.m.

ADDITIONS TO REGULAR MEETING AGENDA

9) Information Items:

- d) OA16-02 – Disclosure of Real Parties in Interest Zoning Text Amendment

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**PLANNING COMMISSION
REVISED REGULAR MEETING AGENDA**

October 20, 2016

7:00 p.m.

- 1) **Call to Order** – Vice Chair Chip Paciulli
- 2) **Pledge of Allegiance**
- 3) **Agenda Amendments** (Planning Commission and Staff)
- 4) **Commissioner Disclosures**
- 5) **Public Hearings**
 - a) None Scheduled
- 6) **Presentations**
 - a) None Scheduled
- 7) **Discussion Items**
 - a) None Scheduled
- 8) **Action Items**
 - a) None Scheduled
Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.
- 9) **Information Items**
 - a) Status of Priority Work Items
 - b) SUP16-03 – Mary’s House of Hope, 781 S. 20th Street
 - c) SUP16-04 – Makersmiths, 781 S. 20th Street
 - d) OA16-02 – *Disclosure of Real Parties in Interest Zoning Text Amendment*
- 10) **Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) **Council Representative’s Report**
- 12) **Chairman’s Comments**
- 13) **Planning Commissioners’ Comments**
- 14) **Approval of Minutes**
 - a) None
- 15) **Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting **OR** if you would like an expanded copy of this agenda, please contact Tucker Keller at (540) 338-2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.

USE OF ELECTRONIC DEVICES DURING MEETINGS For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.

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STAFF REPORT
INFORMATION ITEM

Item # 9d

SUBJECT: OA16-02 – Disclosure of Real Parties in Interest Zoning Text Amendment

DATE OF MEETING: October 20, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY

At its September 13, 2016 meeting, Town Council adopted Resolution 16-09-02 to initiate a zoning text amendment, coded as OA16-02, to amend Article 11 of the Zoning Ordinance to require a Disclosure of Real Parties in Interest in land development applications. The attached staff report prepared by the Town Attorney for the September 13th Council meeting provides further information. A joint public hearing on OA16-02 is scheduled before the Planning Commission and Town Council on November 3, 2016.

ATTACHMENTS

- Excerpt from September 13, 2016 Town Council Meeting Minutes
- Resolution 16-09-02
- Town Attorney's September 13, 2016 Staff Report
- Draft Ordinance 16-09-01
- Draft form and instructions for the *Affidavit of Disclosure of Real Parties in Interest*
- Draft form and instructions for the *Affirmation of Disclosure of Real Parties in Interest*

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similarities amongst those: employee based assessments, government reform commission, and an audit done by outside company and has provided the information in the staff report.

Council member Cool talked about getting the information from the department heads as part of the process.

Council member McCollum talked about the audits and the time involved with them as well as a starting point and the selection of the company(s) to do the audit.

Council member Grim suggested forming a Government Oversight Committee to include residents and Council members to assist with the steps involved with the audit.

Council member Ogelman stated he feels the audit needs to be independent.

Council member Bledsoe agrees that the audit should be independent and sees the benefit of a short term outside group that has some oversight capability to review efficiencies.

Discussion took place about the cost of the audit and what services may be provided with the cost.

Mayor Fraser talked about the steps associated with the audit process and that Council would need to decide if it would be all departments participating in the audit and provide feedback to the Town Manager to determine whether to issue an RFI or RFP this year.

b. Disclosure of Real Parties in Interest

Sally Hankins stated she prepared a draft ordinance and forms that require land development applicants to disclose all equitable ownership interests in the land that is the subject of the application. Ms. Hankins added that because that ordinance would amend the zoning ordinance, it is required to be initiated by the Town Council by adopting a resolution and then forwarding the item to the Planning Commission for a public hearing and then to Council for a public hearing.

Ms. Hankins added she received a request as to whether we could require anyone with a conflict after the disclosures have been made if it is determined that a conflict exists between a member of the public body considering the application and the applicant whether it could be required that the person with the conflict to recuse themselves from participating. In researching, Ms. Hankins stated the Conflict of Interest Act under state code determines if you have a conflict and if so requires you to recuse yourself or allows you to participate subject to making a public disclosure about the conflict. The ordinance provision does not allow for the participation and requires recusal in all cases. Ms. Hankins stated it is her opinion that the Town cannot prohibit what the state allows and cannot recommend adopting an ordinance that requires recusal in all cases and recommends that the current provision that requires recusal be deleted from the zoning ordinance.

Council member Grim stated that she has seen in Codes of Conduct and Codes of Ethics where it states a requirement to refrain from voting on items where a conflict of interest with the Virginia code is determined and she would like Council to consider amending the Codes of Conduct and Ethics to reflect this.

Council member McCollum asked about Section 19.8 of ordinance 16-09-01 and feels that if the relationship exists, the person has to recuse himself until he gets an opinion from the Town Attorney that there is no conflict. Via a question from Council member McCollum, Sally Hankins stated she would reword the ordinance in section 1, 19.8 to remove the words *in all cases* since recusal cannot be required in all cases.

Council member Grim made a motion that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance to add a provision requiring land development Applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit. The motion was seconded by Vice Mayor Jimmerson.

Motion:	Council member Grim
Second:	Vice Mayor Jimmerson
Carried:	7-0

McCollum -	Aye
Grim -	Aye
Jimmerson -	Aye
Cool -	Aye
Bledsoe -	Aye
Ogelman -	Aye
Mayor -	Aye

Sally Hankins added another recommendation that it would be beneficial if Council could review the draft documents and comment back in preparation for the public hearing.

c. Website Functionality and Capabilities

Danny Davis talked about aspects of the website that staff would like to move forward with including a community events calendar, a community jobs portal and adding websites for businesses in the online business directory and including a disclaimer.

Council agreed that staff should move forward with the enhancements.

Sally Hankins recommended that the Town develop a website linkage policy that states why a site may be taken down and which is consistently applied. Rob Lohr stated the policy can be created administratively then reviewed by Council if staff has questions or needs guidance.

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-09-02

PRESENTED: SEPTEMBER 13, 2016
ADOPTED: SEPTEMBER 13, 2016

A RESOLUTION: INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD A REQUIREMENT THAT ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE SUBMIT AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND PERIODICALLY AFFIRM SUCH DISCLOSURE

WHEREAS, the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure; and

WHEREAS, the Town Council finds that such disclosures will enhance transparency, avoid conflicts of interest, and serve the public necessity, convenience, and general welfare.

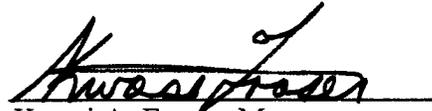
NOW THEREFORE BE IT RESOLVED, that the Council of the Town of Purcellville, Virginia hereby initiates a text amendment to Article 11 of the Zoning Ordinance, adding a provision requiring land development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit.

A RESOLUTION:

INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD A REQUIREMENT THAT ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE SUBMIT AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND PERIODICALLY AFFIRM SUCH DISCLOSURE

BE IT FURTHER RESOLVED, that the Council of the Town of Purcellville, Virginia hereby directs staff to prepare such amendment, present the amendment to the Planning Commission for review, public hearing, and recommendation, and then return the proposed amendment to Town Council for review, public hearing, and action.

PASSED THIS 13TH DAY OF SEPTEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk



STAFF REPORT
INFORMATION ITEM & ACTION ITEM

Item # 12.b.

SUBJECT: Disclosure of Real Parties in Interest

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Sally Hankins, Town Attorney
Robert W. Lohr, Jr., Town Manager

RECOMMENDATIONS:

1. If Town Council desires to require a Disclosure of Real Parties in Interest in land development applications, then I recommend that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Zoning Ordinance requiring such disclosure and affirmation of disclosure.
2. If such text amendment is initiated, I further recommend that Town Council review the following draft documents and provide comments to the Town Attorney before the documents return to Town Council for public hearing: (i) Ordinance 16-09-01, amending Article 11 of the Zoning Ordinance to require Disclosures and Affirmations of Disclosure, (ii) *Affidavit of Disclosure of Real Parties in Interest* form and instructions, and (iii) *Affirmation of Affidavit of Disclosure of Real Parties in Interest* form and instructions.
3. If Town Council desires to amend the Zoning Ordinance Article 11, Section 18 (governing Conflicts of Interest) in the manner suggested below in this Staff Report, then I recommend that Council adopt Resolution 16-09-03, which initiates such an amendment. The Resolution makes such amendment subject to the Town Attorney's determination that the amendment is allowed under the Doctrine of Preemption, as discussed in more detail below. A text amendment that is initiated by Town Council does not have to be adopted.

SUMMARY:

At the last Town Council meeting, held on July 26, 2016, the Town Council directed staff to prepare a draft Ordinance requiring all land development applicants to complete a

disclosure identifying persons who have an interest in the property that is the subject of the land development application (“**real parties in interest**”), and to create a form for such disclosure. The Town Council’s stated desire was that the disclosure form be short, not exceeding two pages.

The Ordinance, if adopted, will amend the text of the Town’s Zoning Ordinance. Because the Ordinance will amend the Zoning Ordinance, the Town Council is required under Va. Code Section 15.2-2286(A)(7) to initiate the amendment by adopting a Resolution, which is attached to this Staff Report. Also attached to this Staff Report are the following draft documents: (i) Ordinance amending Article 11 of the Zoning Ordinance, (ii) Affidavit of Disclosure of Real Parties in Interest form and instructions, and (iii) the Affirmation of the Disclosure of Real Parties in Interest form and instructions.

BACKGROUND:

Virginia Code Section 15.2-2289 authorizes a locality’s Planning Commission, Town Council, or Board of Zoning Appeals to require the complete disclosure of the equitable ownership interests in real property that is the subject of one of the following types of application: Special Exception, Special Use Permit, Zoning Ordinance Map Amendment, Zoning Ordinance Text Amendment, and Variance. The statute provides that, in the case of corporate ownership, such ordinance may require disclosure of the stockholders, officers, and directors, provided that such disclosure shall not be required when the corporation is traded on a national or local stock exchange and has more than 500 shareholders. The statute also exempts those who own fewer than 10% of the units within a condominium building.

ISSUES:

As drafted, Section 19.8 of the proposed Ordinance requires that each member of the Planning Commission, Town Council and Board of Zoning Appeals review the submitted Disclosure form prior to attending any meeting about the subject application for which the Disclosure was required, and determine whether that member or his immediate family has a relationship with any of the entities or individuals disclosed as having an ownership interest. If such relationship exists, the member must seek an opinion from the Town Attorney or other authorized person as to whether a conflict exists under the Virginia Conflict of Interest Act. And, if such conflict is determined to exist, the affected member must act in accordance with the stricter of the Virginia Conflict of Interest Act, or the Town Ordinances.

It should be noted that Zoning Ordinance Article 11, Section 18 addresses Conflicts of Interests in zoning matters, and appears to be intended to restrict participation by public officers who have a conflict of interest by placing restrictions on participation that go beyond what is required under the Virginia Conflict of Interest Act. Provided that this provision is allowed under the legal *Doctrine of Preemption* (ie; localities cannot regulate behavior in a manner that in conflict with state law, nor can it regulate behavior that is regulated by the state if the state has “occupied that particular subject-matter field.”), I recommend that this Zoning Ordinance section be clarified to state,

If it is determined that a member of the Town Council, Planning Commission, or Board of Zoning Appeals has a conflict of interest under the Virginia Conflict of Interest Act, then such member shall not participate or vote on the matter for which such conflict exists.

My recommendation is intended to remove the ambiguous term “financial interest” and to instead rely on the complexities of the Virginia Conflict of Interest Act to determine whether a Conflict exists. Once it is determined *whether* a conflict exists, then the Town can regulate how such conflicts are handled, provided our regulation is not pre-empted by state law.

The *Doctrine of Preemption* issue must be resolved prior to Town Council adopting the revision recommended above. If, after researching the issue, it is my conclusion that the Town is not authorized to adopt an ordinance requiring the recusal of a public officer who has a conflict, when the state law does not require such recusal but instead leaves such recusal to the discretion of the affected public officer, then it will be my recommendation that the Town Council delete the provision from the Zoning Ordinance altogether.

BUDGET IMPACT:

There will be additional staff time needed to review the Disclosure of Real Parties in Interest for completeness and to review the required Affirmations. There will be additional time required for each public officer to review the documents to determine whether a relationship exists. Further, there will likely be additional requests to the Town Attorney for determinations of conflict under the Virginia Conflict of Interest Act.

MOTION(S):

1. “I move that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance to add a provision requiring land

development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit.”

2. I move that Town Council adopt Resolution 16-09-03, initiating an amendment to Section 18 of Article 11 of the Zoning Ordinance, by clarifying the existing language to require that public officers who have a conflict of interest under the Virginia Conflict of Interest Act must refrain from all participation in the matter for which such conflict exists. This text amendment, although initiated, will not be adopted if the Town Attorney determines the suggested provision is preempted by state law.

ATTACHMENT(S):

1. Resolution Number 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance, adding a provision requiring land development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit
2. Draft Ordinance Number 16-09-01, amending the Zoning Ordinance to require land development applicants to submit an Affidavit of Disclosure of Real Parties in Interest, and to periodically affirm such Affidavit.
3. Draft form and instructions for the *Affidavit of Disclosure of Real Parties in Interest*
4. Draft form and instructions for the *Affirmation of Disclosure of Real Parties in Interest*
5. Resolution Number 16-09-03, initiating an amendment to Section 18 of Article 11 of the Zoning Ordinance, by clarifying the existing language to require that public officers who have a conflict of interest under the Virginia Conflict of Interest Act must refrain from all participation in the matter for which such conflict exists.

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-09-01

PRESENTED: September 13, 2016
ADOPTED:

AN ORDINANCE: AMENDING ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD SECTION 19, REQUIRING ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE TO COMPLETE AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND TO AFFIRM SUCH DISCLOSURE

WHEREAS, the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application.

THEREFORE, the Council of the Town of Purcellville, Virginia hereby ordains:

Section 1. That Zoning Ordinance Article 11 (“Administration and Enforcement”) is hereby amended to add Section 19 as follows:

Section 19. Disclosures of Real Parties in Interest

19.1 An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Affidavit of Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.

19.2 In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national

or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.

19.3 A “real party in interest” shall include all parties who have a legal, equitable or beneficial interest in the subject property, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.

19.4 Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited liability companies, sole proprietorships, and real estate investment trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

19.5 Prior to each and every hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information. If there are no changes or supplemental information to provide, the applicant shall nonetheless complete the *Affirmation of Disclosure* confirming so.

19.6 The Town Council authorizes and directs Town Staff to prepare and maintain an *Affidavit of Disclosure of Real Parties in Interest* form and an *Affirmation of Disclosure* form.

19.7 The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

19.8 Each member of the Planning Commission, Town Council, and Board of Zoning Appeals shall, prior to participating in a meeting concerning an application for which a Disclosure is required, examine the Disclosure and all Affirmations of Disclosure to determine whether he, or a member of his immediate family, has a relationship with any Disclosed parties in interest. If such a relationship exists, the affected member of the public body shall seek a determination from the Town Attorney, or other person authorized under Virginia Code to render a Conflict of Interest Opinion, concluding

whether a conflict exists under the Virginia Conflict of Interest Act. If such a conflict is determined to exist, the affected member shall in all cases handle the conflict so as to satisfy the Virginia Conflict of Interest Act and, in addition, shall handle the conflict so as to satisfy Town ordinance requirements governing conflicts, to the extent such ordinances are permitted by law.

Section 2. That all prior ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance shall be effective upon its adoption and shall apply to applications commenced after the effective date.

Section 4. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

Cross References

Va. Code § 15.2-2289 (“Localities may provide by ordinance for disclosure of real parties in interest”)

PASSED THIS ___ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

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TOWN OF PURCELLVILLE
AFFIDAVIT OF DISCLOSURE: REAL PARTIES
IN INTEREST IN LAND USE PROCEEDINGS

A. INTRODUCTION

Under authority of Va. Code Ann. § 15.2-2289 and Zoning Ordinance Article 11, Section 19, the Town requires each applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance to submit with its initial application a completed *Disclosure of Real Parties in Interest* form, and to update and affirm such disclosure prior to each public hearing and, again, prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals.

The Town Council has directed Town Staff to prepare and maintain forms for the *Disclosure of Real Parties in Interest* and the *Affirmation* of such disclosures. **The "Disclosure" and "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

B. INSTRUCTIONS

1. An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.
2. In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.
3. A "real party in interest" shall include all individual persons and business entities who have a legal, equitable or beneficial interest in the property that is the subject of an application, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.
4. Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited Liability Companies, sole proprietorships, and Real Estate Investment Trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

5. In addition to real parties in interest, the agent of any real party in interest must also be disclosed in the same manner as a real party in interest.
6. Prior to each and every public hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information.
7. The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

**C. AFFIDAVIT OF DISCLOSURE: REAL PARTIES IN INTEREST
IN LAND USE PROCEEDINGS**

I, _____, do hereby state that I am an:

___ Applicant

___ Applicant’s Authorized Agent

in Application Number(s): _____ (“Application”)

and that to the best of my knowledge and belief, the following information is true:

C.1. REAL PARTIES IN INTEREST

That the following constitutes a listing of the names and addresses of all parties who have a legal, equitable or beneficial interest in the land described in the Application, including the applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors. In addition, the following includes the names and addresses of all agents authorized to act on behalf of any real party in interest.

For a multiple parcel application, list the Parcel Identification Number (“PIN”) of each parcel for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i>

Check if applicable:

_____ There is/are _____ more additional “Real Parties in Interest” sheet(s) attached.

C.2. CORPORATION INFORMATION (see Instructions, Paragraph B.4 above)

That the following constitutes a listing of all the corporations and shareholders required to be disclosed under Instruction B.4. This “Corporation Information” sheet has been completed for each such corporation.

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Description of Corporation:

There are 100 or fewer shareholders and all shareholders are listed below.

There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

There are more than 500 shareholders and stock is traded on a national or local stock exchange, so no shareholders are listed below.

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>

Check if applicable:

There is/are more additional “Corporation Information” sheet(s) attached.

C.3. PARTNERSHIP INFORMATION

That the following constitutes a listing of all of the partnerships and partners, both general and limited, required to be disclosed under Instruction B.4. This “Partnership Information” sheet has been completed for each such partnership.

Partnership name and address: (complete name, street address, city, state, zip)

_____ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (<i>First, M.I., Last</i>)	<i>Title</i> (<i>e.g. General Partner, Limited Partner, etc.</i>)

Check if applicable:

_____ There is/are _____ more additional “Partnership Information” sheet(s) attached.

C.4. COMPLETENESS

That the information contained in this Affidavit of Disclosure is complete and fully complies with the requirements set forth in the Instructions.

That prior to each public hearing on this Application and, again, prior to action on this Application by the Planning Commission, Town Council, or Board of Zoning Appeals, I will submit an Affirmation of Disclosure that either affirms this Disclosure remains complete and in full compliance with the Instructions, or provides any changed or supplemental information.

WITNESS the following signature:

_____ check one: [] Applicant or [] Applicant's Authorized Agent

_____ (Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this _____ day of _____ 20 __, in the State/Commonwealth of _____, in the County/City of _____.

_____ Notary Public

My Commission Expires: _____

Notary Registration Number: _____

TOWN OF PURCELLVILLE

***AFFIRMATION OF THE
AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST***

Instructions:

1. On or before the close of business **twenty-two (22) business days prior to each public hearing** before the Planning Commission, the Town Council, and the Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, which agent must be listed in Section C of the Applicant's *Affidavit of Disclosure*, shall submit a completed *Affirmation of Affidavit of Disclosure* that either:
 - a. Affirms that the Affidavit of Disclosure submitted with the application is complete and accurate; or
 - b. Attests that the *Affidavit of Disclosure* is no longer complete and accurate, identifying the Sections in the *Affidavit of Disclosure* that require revisions or supplemental information. In such case, the Applicant shall submit, also prior to the close of business 22 days before to the public hearing, a complete and accurate *Affidavit of Disclosure*.
2. If, subsequent to the timely submission of the *Affirmation of Disclosure* or new *Affidavit of Disclosure* as described above, the Applicant's *Affidavit of Disclosure* becomes inaccurate or incomplete at any time prior to the commencement of a scheduled public hearing, the Applicant must submit a complete and accurate *Affidavit of Disclosure* on the Town's form. Failure to submit such *Affidavit of Disclosure* prior to 5:00 p.m. seven (7) business days before the scheduled public hearing shall constitute cause for the Town to reschedule the application to a subsequent public hearing date that accommodates all notice and readvertising requirements. If the hearing for the application is deferred by the Town, the Applicant shall be responsible for all required notice to property owners and readvertising.
3. If the Applicant's hearing before the Planning Commission, Town Council, or Board of Zoning Appeals is deferred to a date that is more than twenty-two business days after the previously scheduled hearing date, the affirmation procedure described above shall be repeated.
4. At each and every hearing on the Application before the Planning Commission, Town Council and Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, who must be listed in Section C of the Applicant's Affidavit, shall be required to make an oral statement that the affirmed affidavit or the new affidavit is accurate and complete as of the date of the hearing.

AFFIRMATION OF AFFIDAVIT OF DISCLOSURE FORM

In reference to the *Affidavit of Disclosure* dated _____

For the Application _____
[Application name(s)]

Identified as Application Number(s) _____
[Application number(s)]

I, _____, do hereby state that I am the

check one: _____ Applicant (must be listed in Paragraph C of the above-described affidavit)

_____ Applicant's Authorized Agent (must be listed in Paragraph C of the above-described Affidavit)

in the above-referenced Application and to the best of my knowledge and belief, the following information is true:

check one:

_____ I have reviewed the above-described *Affidavit of Disclosure*, and certify that the information contained therein is true and complete as of _____, or;
(date)

_____ I have reviewed the above-described *Affidavit of Disclosure*, and I am submitting a new complete and accurate *Affidavit of Disclosure* that includes changes, deletions or supplemental information to the following paragraphs of the above-described Affidavit:

_____ Paragraph C

_____ Paragraph C-1

_____ Paragraph C-2

_____ Paragraph C-3

_____ Paragraph C-4

WITNESS the following signature:

check one [] Applicant or [] Applicant's Authorized Agent

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this _____ day of _____, 20_____, in the State/Commonwealth of _____, in the County/City of _____.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____