



APPLICATION TO PLATTING BOARD FOR PRE-HEARING DETERMINATION

Testimony by Affidavit

Fairbanks North Star Borough

For official use only:

Revd by: _____

Date: _____

907 Terminal Street ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267

(907) 459-1260 ☆ FAX (907) 205-5169

Complete and return to Department of Community Planning or email to FNSBPB@fnsb.us

| | |
|---|--------------------|
| Your Information: | |
| Name: | |
| Physical Address: | |
| Mailing Address: | |
| Phone Number: | Cell Phone Number: |
| E-mail Address: | |
| Case Information: | |
| Case Number: | Hearing Date: |
| Please check one: | |
| <input type="checkbox"/> I am the <input type="checkbox"/> Applicant or <input type="checkbox"/> property owner in this case <input type="checkbox"/> I received a "Dear Property Owner" letter about this case <input type="checkbox"/> I did not receive a "Dear Property Owner" letter but I reside at a location that is within the hearing notification area (Attach an affidavit or other proof of residence) <input type="checkbox"/> I did not receive a "Dear Property Owner" letter but believe I am an "interested person" (attach Interested Person Determination Application) <input type="checkbox"/> I am the representative of one of the above parties (e.g., an attorney) (please indicate which category of party you represent _____) | |
| Request to Testify by Affidavit: | |
| <i>You must submit the affidavit containing your proposed testimony with this application. The affidavit will <u>not</u> be submitted as evidence until the Chair determines you are eligible to testify by affidavit. See the back side of this form for more information.</i> | |
| <input type="checkbox"/> I would like a pre-hearing determination that I can submit my testimony by sworn affidavit. (please submit written testimony with this application) | |

By my signature below, I attest to the truth of the statements made on this form:

DATE: _____

SIGNATURE: _____

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

INSTRUCTIONS FOR APPLICATION TO PLATTING BOARD FOR
PRE-HEARING DETERMINATION FOR TESTIMONY BY AFFIDAVIT

This form is only for the type of pre-hearing determination listed. When you complete this form, it is important that you limit your comments to those directly relevant to the information sought for the type of determination. Any information provided in addition to that sought (including information regarding your argument about or position on the matter) may not be considered by the Platting Board Chair in making the pre-hearing determination.

Decisions on the pre-hearing application will be noticed by email. If you do not have an email address, the Platting Board Clerk will call you. You must provide a legible email address and/or phone number and you must check your email (including junk mail) or your voice mail for the Chair's determination. Deadlines will not be waived for your failure to check your email, voice mail, for your failure to answer your phone, because there is no way for the Clerk to leave a message, or because the contact information you provided was not legible.

PRE-HEARING DETERMINATION APPLICATION DEADLINE.¹ All pre-hearing determination applications must be received by the Clerk of the Platting Board (located in the Community Planning Department) before close of business (5 p.m.) no less than 5 working days before the scheduled quasi-judicial hearing at which the applicant wishes to testify.

Example: if you wish to testify at a Wednesday Platting Board meeting, you must submit your application no later than 5 p.m. on the Wednesday, five (5) working days prior to the day of the public hearing.

TESTIMONY BY AFFIDAVIT DETERMINATION. A party wishing to testify by affidavit at a quasi-judicial matter may apply for testimony by affidavit on a form prescribed by the Platting Board. The applicant must submit the affidavit containing the proposed testimony with the application form to the Clerk of the Platting Board before the close of business (5 p.m.) no less than 5 working days before the scheduled quasi-judicial hearing at which the applicant wishes to testify. Upon receipt of an application for testimony by affidavit the Clerk of the Platting Board shall promptly notify and distribute the affidavit to the Platting Board and opposing parties. Opposing parties may invoke the right to cross-examination by submitting to the Clerk of the Platting Board questions relevant to the affidavit before the close of business no less than 3 working days before the scheduled quasi-judicial hearing. If after reviewing an opposing party's submission the Chair of the Platting Board or the Chair's designee determines that cross-examination is reasonably necessary to explore matters which contradict, modify, or explain the testimony contained in the applicant's affidavit then the Chair or the Chair's designee may reject the application for testimony by affidavit. The Chair or the Chair's designee shall grant or reject the application and the Clerk of the Platting Board shall notify the applicant and the opposing parties of the decision no less than 2 working days before the scheduled quasi-judicial hearing

CONCURRENT APPLICATIONS. A party wishing to testify either telephonically or by affidavit may submit concurrent applications. Each application must comply with the respective requirements and procedures outlined in Platting Board Rules 47 and 48. The party shall notify the Clerk of the Platting Board whether the party prefers to testify by affidavit or telephonically.

If the party fails to specify a preference and the Chair of the Platting Board grants both applications then the Commission will provide for telephonic testimony only and the requirements stated in Platting Board Rule 47 shall apply.

¹ Any deadline that falls on an FNSB-observed holiday will thereby be due the following business day. If a deadline falls on a holiday and the foregoing rule is not practicable under the particular circumstances, the Chair or the Chair's designee may modify the deadline in writing issued reasonably in advance of the deadline.

AFFIDAVIT

*for testimony to the Fairbanks North Star Borough
Planning Commission*

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

Instructions:
1. Return this completed affidavit to the Department of Community Planning with the application form seeking leave of the Platting Board to allow testimony by affidavit.
2. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

I, _____, being duly sworn and under oath, depose and state that the following is true and based on my own personal knowledge:

Signature

(Print Name and Address of Affiant)

I hereby certify that on this _____ day of _____, 20____, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared _____, known to me to be that individual, and made his/her oath in due form of law that the matters and facts set forth in this Affidavit are true. In witness whereof, I hereunto set my hand and official seal.

Notary Public (signature)
Printed name: _____

My commission expires: _____

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