



# APPLICATION TO PLANNING COMMISSION FOR PRE-HEARING DETERMINATION

## Testimony by Affidavit Fairbanks North Star Borough

For official use only:

Rcvd by: \_\_\_\_\_

Date: \_\_\_\_\_

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

(907) 459-1401 ☆ FAX (907) 459-1224

Complete and return to Borough Clerk's Office or email to [clerks@fnsb.gov](mailto:clerks@fnsb.gov)

<b>Your Information:</b>	
Name: _____	
Physical Address: _____	
Mailing Address: _____	
Phone Number: _____	Cell Phone Number: _____
E-mail Address: _____	
<b>Case Information:</b>	
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 _____)	
<b>Request to Testify by Affidavit:</b>	
<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. <b>(please submit your written testimony with this application)</b>  <input type="checkbox"/> I would like a pre-hearing determination that I can present a witness' testimony by sworn affidavit. <b>(please submit witness' written testimony with this application)</b>	

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

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

## **INSTRUCTIONS FOR APPLICATION TO PLANNING COMMISSION FOR PRE-HEARING DETERMINATION FOR TESTIMONY BY AFFIDAVIT**

This form is only for a pre-hearing determination for testimony by affidavit. When you complete this form, it is important that you limit your comments to those directly relevant to the determination. Any information provided regarding your argument about or position on the hearing will not be considered by the Planning Commission Chair when making the determination.

Decisions on the pre-hearing application will be noticed by email or, if you do not have an email address, the Borough Clerk's Office will call you. You must provide 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, answer your phone, no way for the Clerk to leave a message, or because the contact information provided was not legible.

**PRE-HEARING DETERMINATION APPLICATION DEADLINE.**<sup>1</sup> All pre-hearing determination applications must be received by the Borough Clerk's Office no later than 4:30 p.m. on the Monday seven (7) days prior to the day of public hearing at which you wish to testify.

**TESTIMONY BY AFFIDAVIT DETERMINATION.** The Chair may allow testimony by affidavit as follows:

- a. You must submit the affidavit containing your testimony at the time you submit the form applying to testify by affidavit. The affidavit will not be submitted to the Planning Commission as evidence until the Chair determines that you will be allowed to testify by written affidavit.
- b. The Clerk's Office will send a copy of your affidavit to the parties (usually only the Applicant and Staff).
- c. Those parties may then submit relevant cross examination questions in writing to the Clerk's Office.
- d. The Chair will determine whether the submitted questions are necessary and, if so, the Chair may either require you to testify in person or by telephone or the Chair may require you to answer the questions in a second affidavit.
  - i. If you fail to answer the questions in a second affidavit, the Chair may determine that all or part of your first affidavit will not be admitted for consideration by the Planning Commission.
  - ii. If the Chair determines that the submitted questions are not necessary, or if no questions are submitted, your affidavit will be accepted for Planning Commission consideration.

**CONCURRENT APPLICATIONS.** You may submit applications to testify by affidavit or by telephone at the same time. If you have a preference as to one form of testimony over the other, please indicate that preference on your applications. Otherwise, the Chair will review the application to testify telephonically first and only if that application is denied will the Chair review the application to testify by affidavit.

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<sup>1</sup> *If a deadline falls on an FNSB-observed holiday, the deadline shall be the next business day unless otherwise set by the Planning Commission Chair in writing with notice given in advance.*

**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 Borough Clerk's Office with the application form seeking leave of the Planning Commission 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:

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*Signature*

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\_\_\_\_\_  
*(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: \_\_\_\_\_

