



**COUNTY OF VALENCIA  
ORDINANCE № 2025-02**

**SUBDIVISION CLAIM OF EXEMPTION**

**WHEREAS**, the New Mexico Subdivision Act, NMSA 1978, Section 47-6-1 *et seq.* and the Valencia County Subdivision Chapter, Ordinance Passed 5-1-2000 (Code of Ordinances Section 151.001 *et seq.*) provide that certain divisions of land do not constitute subdivisions; and,

**WHEREAS**, the Board of County Commissioners of Valencia County wish to provide for a process whereby Valencia County landowners that intend to divide their real property under an exemption to the New Mexico Subdivision Act and the Valencia County Subdivision Chapter must first obtain a determination from Valencia County concerning whether a proposed division of land within Valencia County is not a subdivision pursuant to the Land Subdivision Regulations of Valencia County, New Mexico, as the same may be amended from time to time.

**NOW, THEREFORE, BE IT ORDAINED**, by the Valencia County Board of County Commissioners that the following procedures are established:

**1. *Claim of Exemption***

Any owner wishing to divide a surface area of land for the purpose of sale, lease or other conveyance or for building development, whether immediate or future, who claims that the proposed division does not constitute a subdivision pursuant to the Valencia County Subdivision Chapter, New Mexico, (Specifically Code of Ordinance Section 151.098) and the New Mexico Subdivision Act shall file a written claim of exemption on the prescribed form with the Valencia County Planning and Zoning Administrator or his or her designee before making the land division for which the claim of exemption is made. The form to be used for claiming an exemption is attached as Appendix 1 to this Ordinance. Together with the claim of exemption form and supporting documents, the claimant shall submit a filing and review fee, if any, in the amount set by the Board of County Commissioners by resolution.

**2. *Review of Claim of Exemption***

The Valencia County Planning and Zoning Administrator or his or her designee, shall, within thirty (30) days after receipt of the complete claim of exemption form and supporting documents, review the claim of exemption and supporting documents and shall mail or email written notice to the claimant of whether the exemption has been approved or denied; provided, however, that the thirty (30) day period shall not begin to run until the claimant has delivered a completed

Claim of Exemption form, the applicable fee and all supporting documents to the County Planning and Zoning Administrator or his or her designee.

**3. *Approval of Claim of Exemption***

If the claim of exemption is approved, or if the County Planning and Zoning Administrator or his or her designee fails to mail or email written notice of the approval denial of the claim of exemption to the claimant within thirty days after receipt by the County Planning and Zoning Administrator or his or her designee, of the completed claim of exemption and all supporting documents, the claimant may divide the land in the manner proposed in the claim of exemption without complying with the provisions of the Valencia County Subdivision Chapter. The land division plats approved pursuant to this Ordinance shall contain a certification of a surveyor licensed by the State of New Mexico which includes a statement that Valencia County has approved the claim of exemption or failed to act upon the claim of exemption within the time allowed. Fraud or intentional misrepresentation shall be grounds for revocation of the claim of exemption.

**4. *Denial of Claim of Exemption***

If the claim of exemption is denied, claimant may appeal the denial pursuant to the Valencia County Code of Ordinances Section 151.140 *et seq.* within fifteen (15) days after the date of receipt by the claimant of the notice of denial of the claim of exemption.

**5. *Payment of Property Taxes Prior to Filing a Plat.***

NMSA 1978, Section 7-38-44.1 (B) (2013) provides that “[a] taxpayer shall pay the taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined prior to filing a plat.” Accordingly, the land plat(s) approved pursuant to this Ordinance shall contain a certification for the County Treasurer to confirm that all taxes, penalties, interest and fees due on the real property have been paid through the taxable year. The County Clerk shall not file the plat(s) unless the County Treasurer has signed the certification.

**6. *Amendment to Current Ordinance***


This Ordinance specifically amends and augments Valencia County Code of Ordinances Section 151.098.


**7. *Penalties***


Any violation of this Ordinance shall be punishable as set forth by Section 151.999 of the Code of Ordinances.


BOARD OF COUNTY COMMISSIONERS

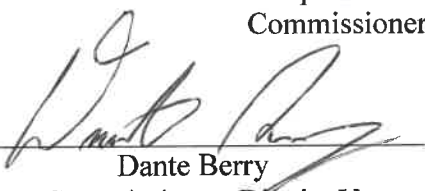
PASSED, AND APPROVED AND ORDAINED THIS 16<sup>th</sup> DAY OF APRIL 2025.

  
Gerard Saiz  
Chairman, District I

  
Troy Richardson  
Vice-Chairman, District II

  
Morris Sparkman  
Commissioner, District III

  
Joseph Bizzell  
Commissioner, District IV

  
Dante Berry  
Commissioner, District V



  
Mike Milam, County Clerk

## APPENDIX 1

# VALENCIA COUNTY CLAIM OF EXEMPTION

To claim an exemption from the requirements of the New Mexico Subdivision Act and Valencia County Subdivision Chapter, you must complete this form, sign it before a notary public or notarial officer and submit it, together with legible copies of all required documents and the filing and review fee, to the County Planning and Zoning Administrator or his or her designee. Be sure to check all exemptions which apply and attach legible copies of all supporting documents to this claim of exemption form.

The County Planning and Zoning Administrator or his or her designee will mail or email written notification within thirty (30) days after receipt of the completed claim of exemption, together with all supporting documents, as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if the Valencia County Planning and Zoning Administrator or his or her designee fails to mail written notification within thirty (30) days after you have submitted a complete claim of exemption, together with all supporting documents, you may proceed with the land division you propose without needing to comply with the requirements of the Valencia County Subdivision Chapter. If your claim of exemption is denied, you may seek approval of a subdivision, or appeal the denial as provided for in Valencia County Code of Ordinances Section 151.140 *et seq.*

[illegible]

I, \_\_\_\_\_, claim an exemption from the requirements of the Land Subdivision Regulations of Valencia County, New Mexico, and the New Mexico Subdivision Act for the following reason(s). I certify that this transaction involves (check all that apply and attach appropriate documents):

1. The sale, lease or other conveyance of any parcel that is thirty-five acres or larger in size within any twelve-month period; provided that the land has been used primarily and continuously for agricultural purposes, in accordance with Section 7-36-20 NMSA 1978, for the preceding three years. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL AND A NOTARIZED STATEMENT FROM THE COUNTY ASSESSOR OR THE CHIEF DEPUTY ASSESSOR THAT THE PARCEL TO BE DIVIDED, "HAS BEEN USED PRIMARILY AND CONTINUOUSLY FOR AGRICULTURAL PURPOSES, IN ACCORDANCE WITH NMSA 1978 § 7-36-20 (2015). EACH OF THE NEW LOTS MUST BE THIRTY-FIVE (35) ACRES OR LARGER IN SIZE. ONLY ONE LAND DIVISION PER YEAR MAY BE MADE PER THIS EXEMPTION**

- 2.\_\_\_\_ The sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**
- 3.\_\_\_\_ The division of land within the boundaries of a municipality. **ATTACH CERTIFIED SURVEY OR A MAP PROVIDED BY THE COUNTY ASSESSOR SHOWING LOCATION OF PROPOSED DIVISION.**
- 4.\_\_\_\_ The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.**
- 5.\_\_\_\_ The division of land created by court order where the order creates no more than one parcel per party. **ATTACH CERTIFIED COPY OF COURT ORDER.**
- 6.\_\_\_\_ The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT, RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER, THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.**
- 7.\_\_\_\_ The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. **ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.**
- 8.\_\_\_\_ The division of land to create burial plots in a cemetery. **ATTACH AGREEMENTS OR OTHER DOCUMENTS DEMONSTRATING THAT THE LOCATION IS A CEMETERY.**
- 9.\_\_\_\_ The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption.

- (a) Property transferred between spouses must be sole and separate property at the time of its acquisition by the grantor spouse as sole and separate is defined by the New Mexico Statutes and New Mexico case law regarding community property. If a spouse claims that a parcel is his/her sole and separate property, the applicant must submit sufficient documentation to the County Planning and Zoning Administrator to show that the real estate in question was acquired with separate assets.
- (b) No gifts of real property to minor children will be permitted without full compliance with Uniform Transfers to Minors Act 46-7-11 NMSA 1978 et. seq.
- (c) Any parcel of real property that is transferred pursuant to this provision may not be transferred within twelve (12) months of the date of recording of the plat creating said parcel to any individual who is not an "immediate family member" of the grantor as defined by this Ordinance, except by probate proceedings, an order from the District Court, or a transfer on death deed executed pursuant to applicable New Mexico statutes.

**ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.**

- 10. \_\_\_ The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction. **ATTACH COPIES OF ALL FINANCING DOCUMENTS.**
- 11. \_\_\_ The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; **ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S).**
- 12. \_\_\_ The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. **ATTACH COPIES OF I.R.S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.**
- 13. \_\_\_ The division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county clerk indicating

that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, ANY PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.**

I further certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

I understand that fraud or intentional misrepresentation shall be grounds for revocation of the claim of exemption.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or print your name here

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state and zip code

\_\_\_\_\_  
Telephone number(s)

\_\_\_\_\_  
Email address

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Title of Notarial Office:

.....

**FOR OFFICIAL USE ONLY**

\_\_\_ The foregoing Claim of Exemption has been approved.

\_\_\_ The foregoing Claim of Exemption is incomplete. Please provide us with the following information and/or documents so that we can process your claim:

\_\_\_\_\_.

\_\_\_ The foregoing Claim of Exemption is hereby denied for the following reasons:

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Name

\_\_\_\_\_

Title



NEWSPAPER PUBLICATIONS  
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*El Defensor Chieftain*

**RIO RANCHO OBSERVER**

VALENCIA COUNTY **News-Bulletin**

**Dept 880697**

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**Phoenix, AZ 85038-9650 Phone: (505)823-3220**

**Proof of Ad 03/25/2025**

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 Company: **VALENCIA COUNTY P & Z CDD OAP**  
 Address: **P O BOX 1119**  
**LOS LUNAS, NM 87031**  
 Telephone: **(505)866-2003**

Ad ID: **204280**  
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 Words: **209**  
 Lines: **50**  
 Agate Lines: **72**  
 Depth: **5.07**  
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**LEGAL NOTICE**

On Wednesday, April 16, 2025, at 5:00 P.M., in a regular meeting at the Valencia County Administrative Building, 444 Luna Ave, Los Lunas, NM, 87031, the Board of County Commissioners of Valencia County will conduct a public hearing for the purpose of adopting a revised Subdivision Claim of Exemption Ordinance. The Board of Commissioners may vote on the Ordinance during the meeting directly following the public hearing. The purpose of the Subdivision Claim of Exemption Ordinance is to provide for a process whereby Valencia County landowners obtain a determination from Valencia County concerning whether a proposed division of land within Valencia County is not a subdivision pursuant to the Land Subdivision Regulations of Valencia County, New Mexico, as the same may be amended from time to time. The Ordinance also provides penalties for failure to comply with this ordinance and provides for a review fee to be established by resolution.

Copies of the proposed Ordinance are available for the public to view free of charge at the Valencia County Clerk's Office and the Valencia County Manager's Office, located at 444 Luna Ave, Los Lunas, NM or online at [www.co.valencia.nm.us](http://www.co.valencia.nm.us) Copies of the proposed Ordinance may be purchased by the public from either office.

Journal: March 27, 2025

**Total Ad Cost \$68.08**  
**Amount Paid \$0.00**

Publication	Start	Stop	Inserts	Cost
Albuquerque Journal	03/27/2025	03/27/2025	1	63.26