

VALENCIA COUNTY**COMMUNITY DEVELOPMENT DEPARTMENT**

444 Luna Avenue

Los Lunas, NM 87031

(505)866-2050 Email: planning.zoning@valencianm.govwww.valencianm.gov**APPROVED****DENIED****CLAIM OF EXEMPTION
APPLICATION**

CLAIM OF EXEMPTION: (\$200.00) _____

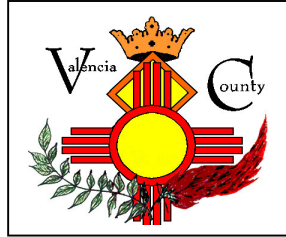
To claim an exemption from the requirements of the New Mexico Subdivision Act and Valencia County Subdivision Chapter, complete this form, sign it before a notary public, and submit it, together with legible copies of all required documents and the filing and review fee. Be sure to check all exemptions that apply and attach legible copies of all supporting documents. The Planning & Zoning Office will notify you within thirty (30) days as to whether your claim of exemption has been granted. If you do not hear from the P&Z Office within thirty (30) days, you may proceed with the land division you propose without complying with the requirements of the Valencia County Subdivision Chapter. If your claim of exemption is denied, you may appeal the denial as provided in the Valencia County Code of Ordinances Section 151.140 et seq.

LEGAL DESCRIPTION TOWNSHIP _____ RANGE _____ SECTION _____	ZONING: _____ FLOOD ZONE: _____ BFE: _____	OTHER PERMITS ISSUED: V _____ TU _____ CU _____ PERMIT # _____
MAP _____ BOOK/CABINET _____ PAGE _____ TRACT/LOT _____ BLOCK _____ UNIT _____ SUBDIVISION/LANDS OF: _____	ELEVATION CERTIFICATE# _____ PRE CONSTRUCTION _____ FINAL _____	LOMA _____ CLOMA _____ CLOM-F _____ APP#: _____

R -	PROPERTY OWNER NAME		PHONE	
MAILING ADDRESS	SPACE	CITY	STATE	ZIP

PROJECT LOCATION / SITE ADDRESS:	NMED SEPTIC PERMIT #
AGENT (IF APPLICABLE):	
CURRENT USE OF PROPERTY:	
BRIEF DESCRIPTION OF REQUEST: _____ _____ _____	

OFFICIAL USE ONLY		
APPLICATION RECEIVED BY:	DATE:	PLAT FILED IN CLERK'S OFFICE:
APPLICATION DEEMED COMPLETE FOR REVIEW:	DATE:	DATE _____ MAP _____
_____ CLAIM OF EXEMPTION <u>APPROVED</u>	DATE:	BOOK/CABINET _____ PAGE _____
_____ CLAIM OF EXEMPTION <u>DENIED</u>	DATE:	
REASON FOR DENIAL:		
_____ CLAIM OF EXEMPTION IS <u>INCOMPLETE</u>	DATE:	
PROVIDE THE FOLLOWING INFORMATION:		



PLANNING & ZONING

**SUMMARY REVIEW
REQUIREMENTS**

PURSUANT TO SECTION 151.080 OF THE VALENCIA COUNTY ZONING CODE, ALL SUMMARY REVIEW PLAT SUBMITTALS MUST INCLUDE THE FOLLOWING INFORMATION PRIOR TO SUBMISSION TO THE PLANNING DEPARTMENT. ANY PLAT SUBMITTALS THAT FAIL TO INCLUDE THE FOLLOWING INFORMATION ARE SUBJECT TO BEING DEEMED INCOMPLETE AND/OR DENIED.

- ☐ Name and address of person filing the plat;
- ☐ Area map showing the property in question and surrounding properties
- ☐ Plat map showing title, scale, north arrow and date;
- ☐ Legal description of the subject property with ties to permanent monuments;
- ☐ Layout of proposed parcels with dimensions and acreage (gross acreage and acreage net of all road easements) indicated on each parcel;
- ☐ Location of all easements, existing or proposed;
- ☐ Location, dimensions (including width), and names of public right-of-way or private roadways providing access to each parcel, extending to a publicly maintained road;
- ☐ Utilities on and adjacent to the site;
- ☐ Signed statements that the summary subdivision is in the free consent and in accordance with the desire of the undersigned owner and proprietor of the land or his agent, acknowledged on a manner required for acknowledgement of deeds;
- ☐ Certificate and seal of a registered land surveyor;
- ☐ For Type 5 subdivisions, information sufficient to demonstrate the subdivider's ability to meet the requirements of S47-6-11J-K & L. NMSA 1978;
- ☐ County Treasurer's verification that all property taxes are paid based on a 10-year tax search;
- ☐ Copies of all prior plats of the land that is the subject of the application; and
- ☐ There is a means for surface water conveyance where appropriate;
- ☐ If an exemption to the Subdivision Act is claimed, it must be listed in the plat title (example: Exception 13 Lot Split). In addition, the exemption itself must also be included on the plat;
- ☐ Private Road Easement Disclosure Statement: All plats creating private road easements must include a disclosure statement that details the following: Which parcel(s) have access to said easement, and which parcel(s) have responsibility for the construction, ownership, and maintenance of said easement.

VALENCIA COUNTY

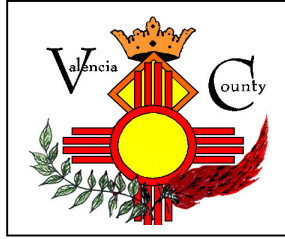
COMMUNITY DEVELOPMENT DEPARTMENT

444 Luna Avenue

Los Lunas, NM 87031

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www.co.valencia.nm.us



PLANNING & ZONING

SUMMARY REVIEW PROCESS

THE FOLLOWING IS A LISTING OF THE STEPS NECESSARY FOR SUBMITTING A SUMMARY REVIEW SUBDIVISION PLAT OR A SUBDIVISION EXCEPTION PLAT TO THE VALENCIA COUNTY PLANNING AND ZONING DEPARTMENT. ALL PLATS MUST INCLUDE THE FOLLOWING SIGNATURES AND INFORMATION *PRIOR* TO SUBMISSION TO THE PLANNING DEPARTMENT.

ANY PLAT SUBMITTALS THAT FAIL TO INCLUDE THE FOLLOWING SIGNATURES AND INFORMATION WILL NOT BE ACCEPTED. PLEASE REFER TO THE *SUMMARY REVIEW REQUIREMENTS FORM* FOR A LISTING OF WHAT INFORMATION AND DETAILS NEED TO BE INCLUDED ON ALL PLAT MAPS. THIS CHECKLIST CAN ASSIST YOU PRIOR TO HAVING A SURVEYOR CREATE YOUR PLAT MAP.

STEP 1:

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Owner certification must be signed by the property owner to certify that the action taken by the plat is in the free consent and in accordance with the desire of the owner and proprietor of the land or his/her agent. The certification must also be witnessed, signed, and stamped by a Notary Public.

STEP 2:

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Utility Company Approval(s): Plat must be signed by appropriate utility service provider(s) to verify that utility services are available to the site.

STEP 3:

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Plat must be taken to the County Assessor's GIS Office to generate a parcel tracking sheet which begins the process for a 10-year tax search to be conducted.

STEP 4:

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Tax Certificate: Plat must be signed by County Treasurer's to verify that all property taxes are paid based on a 10-year tax search, and current taxes must be paid in full.

STEP 5:

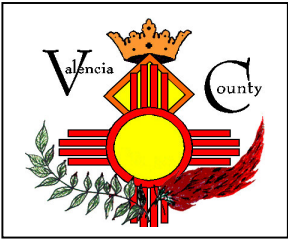
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Once all the above steps are completed, fill out an application form (available at the Planning and Zoning office), pay the necessary application fees, and submit your plat for review. Plat submittal shall include 1 Mylar copy and 5 paper copies, each to have appropriate signatures.

STEP 6:

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Pursuant to Section 151.080 (G) of the Valencia County Subdivision Regulations, the Planning & Zoning Office shall act upon the proposed summary review subdivision within 30 days after the date the completed application is received by the county. Generally, total review time (the time a completed plat is submitted to the Planning Department and ready for pick up) is approximately 2 weeks.



PLANNING & ZONING

**CLAIM OF EXEMPTION
CERTIFICATION FORM**

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):

- ☐ 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**
- ☐ The sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**
- ☐ 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.**
- ☐ 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.**
- ☐ 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.**
- ☐ 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.**
- ☐ 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.**
- ☐ The division of land to create burial plots in a cemetery. **ATTACH AGREEMENTS OR OTHER DOCUMENTS DEMONSTRATING THAT THE LOCATION IS A CEMETERY.**
- ☐ 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, step grandson, granddaughter, step granddaughter, 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.**
- ☐ 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.**
 - ☐ 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).**
 - ☐ 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.**

☐ 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.**

OWNER CERTIFICATION

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Valencia County and the State of New Mexico regulations as outlined in all applicable state laws and local ordinances. I further certify that the information provided by me in the Claim of Exemption is true and correct and that all documents attached to enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

Signature

Type or print your name here

Address

City, state and zip code

Telephone number(s)

Telephone number(s)

SUBSCRIBED AND SWORN to before me this ____ day of _____, ____.

Title of Notarial Office:

My Commission Expires: _____

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:

Date: _____

Name

Title