

**SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO**

**JAVIER BENAVIDEZ, JAMES SANTIAGO MAESTAS,
ROBERTO ROIBAL, THE SOUTHWEST ORGANIZING
PROJECT, THE NEW MEXICO HEALTH EQUITY WORKING
GROUP, and THE PAJARITO VILLAGE ASSOCIATION,**

Appellants/Petitioners,

v.

**No. D-202-CV-2015-04466
Consolidated with No. D-202-CV-2015-05363**

**THE BERNALILLO COUNTY BOARD OF COUNTY
COMMISSIONERS; ART DE LA CRUZ, WAYNE
JOHNSON, DEBBIE O'MALLEY, MAGGIE
HART STEBBINS, LONNIE TALBERT, BERNALILLO
COUNTY COMMISSIONERS; CONSENSUS PLANNING; and
WESTERN ALBUQUERQUE LAND HOLDINGS LLC,**

Appellees/Respondents.

**ORDER ON APPELLEES/RESPONDENTS'
MOTION TO DISMISS FOR LACK OF STANDING**

THIS MATTER comes before the Court on Appellees/Respondents Western Albuquerque Land Holdings, LLC (WALH) and Consensus Planning, Inc.'s Motion to Dismiss for Lack of Standing; a hearing was held April 27, 2016 where Douglas Meiklejohn Esq. and Jaimie Park, Esq. represented the Appellants/Petitioners, John P. Salazar, Esq. and Robert L. Lucero, Esq. represented WAHL and Consensus Planning, Inc., and Robert M. White, Esq. represented the Bernalillo County Board of County Commissioners (the Board). In this matter the following appeals are raised:

1. The Board's denial of Appellants/Petitioners appeal from the County Planning Commission's recommendation of the Santolina Master Plan, dated May 15, 2015.
2. The Board's approval of the Santolina Master Plan, dated June 19, 2015.

3. The Board's approval of the Development Agreement on June 24, 2015 for which no written decision was issued. (This appeal has been dismissed by this Court for lack of ripeness.)
4. The Board's denial of Appellants/Petitioners appeal from the County Planning Commission's determination recommending approval of a zone map amendment for the proposed Santolina Development, dated June 1, 2015.
5. The Board's approval of the zone map amendment from A-1 Rural to PC Zone, dated June 18, 2015.


After reviewing the pleadings and the liberal test for standing set out in *DeVargas Savings and Loan Association of Santa Fe v. Campbell*, 1975-NMSC-026, 87 N.M. 469, 535 P.2d 1320, *Ramirez v. City of Santa Fe*, 1993-NMCA-049, 115 N.M. 417, 852 P.2d 690, and *American Civil Liberties Union of New Mexico v. City of Albuquerque*, 2008-NMSC-045, ¶ 12, 144 N.M. 471, 188 P.3d 1222, and listening to the arguments of the attorneys, the Court FINDS as follows:

1. The Motion is partially well taken and partially not well taken.
2. After reviewing the First Amended Notice of Appeal and affidavits, with regard to Appeal No. 1, the Appellants/Petitioners have standing.
3. After reviewing the First Amended Notice of Appeal and affidavits, with regard to Appeal No. 2, New Mexico Health Equity Working Group **does not** have standing. The remaining Appellants/Petitioners have standing.
4. After reviewing the Notice of Appeal and affidavits, with regard to Appeal No. 4, the Appellants/Petitioners have standing.

5. After reviewing the Notice of Appeal and affidavits, with regard to Appeal No. 5, New Mexico Health Equity Working Group **does not** have standing. The remaining Appellants/Petitioners have standing.

IT IS THEREFORE ORDERED that Appellees/Respondents WALH and Consensus Planning, Inc.'s Motion to Dismiss for Lack of Standing is:

- A. DENIED regarding Appeal Nos. 1 and 4.
- B. GRANTED regarding Appeal Nos. 2 and 5 as to New Mexico Health Equity Working Group and DENIED as to the remaining Appellants/Petitioners.


NANCY J. FRANCHINI
DISTRICT COURT JUDGE