

**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 RIPENESS**

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 Ripeness; 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.

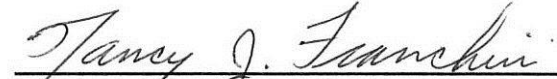
3. The Board's approval of the Development Agreement on June 24, 2015 for which no written decision was issued.
4. The Board's denial of Appellants/Petitioners appeal from the County Planning Commission's determination recommending approval of a zone map amendment for the proposed Santolina Development, 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 listening to the arguments of the attorneys, the Court FINDS as follows:

1. The Motion is well taken as to Appeal No. 3 because there is no final written decision to review as required under NMSA 1978, Section 39-3-1.1 (1999), Rule 1-074 NMRA, and Rule 1-075 NMRA.
2. The Motion is not well taken as to Appeal Nos. 1, 2, 4 and 5 because these appeals are ripe pursuant to NMSA 1978, Section 3-21-9 (1999) and Section 39-3-1.1

IT IS THEREFORE ORDERED that Appellees/Respondents WALH and Consensus Planning, Inc.'s Motion to Dismiss for Lack of Ripeness is GRANTED as to Appeal No. 3 and DENIED as to Appeal Nos. 1, 2, 4 and 5.

IT IS FURTHER ORDRED that the parties shall provide supplemental briefing to the Court on or before May 17, 2016 discussing whether Appeal No. 2 was timely filed under Rule 1-074 NMRA, and Rule 1-075 NMRA.



NANCY J. FRANCHINI
DISTRICT COURT JUDGE