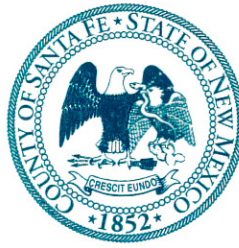


Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: January 10, 2012

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Commercial Development Case Manager

VIA: Jack Kolkmeier, Land Use Administrator

Shelley Cobau, Building and Development Services Manager

Wayne Dalton, Building and Development Services Supervisor

FILE REF: BCC CASE # MIS 11-5390 Legal Tender Restaurant License

ISSUE:

Learning Mind, D/B/A Legal Tender at the Lamy Railroad and History Museum, Applicant, requests approval of a Restaurant Liquor License to serve beer and wine with meals. The subject property is located at 151 Old Lamy Trail, within Section 33, Township 15 North, Range 10 East (Commission District 5).

SUMMARY:

The Lamy Railroad and History Museum, formerly known as the Legal Tender, received Master Plan Zoning on August 14, 2007 (Exhibit "H"). The Master Plan approval consisted of 3,500 square feet for the museum and gift shop, 500 square feet to be used as storage and 1,500 square feet to be utilized as the restaurant and saloon. The zoning on this site allows for the designated area approved by the county as a restaurant and saloon to serve beer and wine with meals.

The Applicant requests approval of a Restaurant Liquor License. The Legal Tender at the Lamy Railroad and History Museum will not have a bar however they intend to serve beer and wine with meals. The issuance of a Restaurant Liquor License will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a Restaurant Liquor License at this location.

RECOMMENDATION:

Staff has reviewed this application and has found the following facts presented to **support** this request: the zoning on this site allows for the designated area as a restaurant and saloon to serve beer and wine with meals; the Applicant's request complies with the approved Master Plan; the Applicant's request complies with the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools and Churches; therefore Staff recommends **approval** of the Applicants request.

ATTACHMENTS:

- Exhibit "A"- Alcohol and Gaming Division Letter of Preliminary Approval
- Exhibit "B"- Vicinity Map
- Exhibit "C" – Letter of Intent
- Exhibit "D"- Zoning Statement
- Exhibit "E" – Restaurant and Parking Site Plan
- Exhibit "F" – ED Permit
- Exhibit "G" – County Business License
- Exhibit "H" – BCC Minutes



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

November 16, 2011

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart, Esq.
ACTING DIRECTOR

Certified Mail No: 7009 2820 0001 0028 6182

Santa Fe County
Building & Development Manager
Attn: Shelley Cobau, CFM
PO Box 276
Santa Fe, NM 87504-0276

Re: App. No. 794222
Applicant Name: Learning Mind
Doing Business As: Legal Tender at the Lamy Railroad and History
Museum
Proposed Location: 151 Old Lamy Trail, Lamy, NM 87540

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. ***(Please review the revised instructions for approval or disapproval below.)**

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two weeks of publication must be satisfied before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

The applicant is requesting a Beer & Wine Restaurant Liquor License.

The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

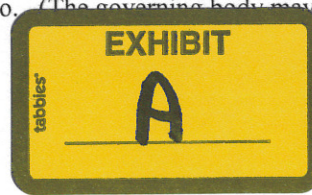
Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800



location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.)


The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

**Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division in writing as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.*

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,


Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises



10/26/11
Jednak

LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 794200
Application Number 2011
Local option (AGD use) Santa Fe County 24133070
Record Owner of Existing License _____
Current D/B/A Name _____
Current Premises Address _____
Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other _____
Application is for: Change of Stock Change of Officers/Directors _____ Type of License being applied for RESTAURANT BEER & WINE
Issue New License Corporation Partnership (General or Limited) _____ Limited Liability Company _____

Applicant is: Individual _____
NAME OF APPLICANT (company or individual) LEARNIB MIND
ADDRESS (including city, state, zip) #493 AVENIDA VISTA GRANDE B-7
SANTA FE, NM 87508-9207
TELEPHONE NUMBER 505.466.1201

D/B/A name to be used: LEGAL TENDER AT THE LAMY RAILROAD AND HISTORY MUSEUM
Phone number for licensed premises: 505.466.1650

Physical location where license is to be used: 151 OLD LAMY TRAIL, LAMY, NM 87540
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: #493 AVENIDA VISTA GRANDE B-7, SANTA FE, NM 87508-9207

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type _____
I, (print name) JOHN JEONAK, as (title) DIRECTOR, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.
Signature of Applicant [Signature] Date OCT 24, 11

SUBSCRIBED AND SWORN TO before me this 24 day of October, 2011 by John J Jednak

Notary Public Karen Renner My Commission Expires 03/08/2015

Local Governing Body of: _____ (City or County). Hearing held on _____
Check one: Approved _____ Disapproved _____

Approved _____ Disapproved _____ Director Approval _____ Date _____
For Alcohol and Gaming Division Use Only

RECEIVED

OCT 26 2011

GAMING DIVISION

OFFICIAL SEAL



My commission expires: 2003/08/2015

(Signature & Title)



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-6B-10

COPY RECEIVED

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Lamy Railroad & History Museum

B. Date and term of lease SEPT 2011 to SEPT 2013

3. Premises location is zoned (example C-1) COMMERCIAL

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet 7 miles Name of church ST. ELIAS THE PROPHET Address/location of church 1/2 CALLE ELECTRA, SANTA FE, NM

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 6 1/2 miles Name of school ELIZABETH ELEMENTARY SCHOOL Address/location of school 2 AVENIDA TORREON, SANTA FE, NM

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

Miles 70 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

ALCOHOL & GAMING DIVISION
2550 CERRILLOS ROAD 87505
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

POSTING CERTIFICATE
(ISSUANCE OF NEW LIQUOR LICENSES)

RESTAURANT (BEER/WINE ONLY) _____ WHOLESALER: _____
 MASTER WINEGROWER _____ WINEGROWER OFF-SITE: 1 2 3 (Circle)
 MASTER SMALL BREWER _____ SMALL BREWER OFF-SITE: 1 2 (Circle)
 OTHER: _____

APPLICATION NUMBER: A-794222

APPLICANT NAME: LEARNING MIND

PROPOSED NAME: LEGAL TENDER AT THE LAMY RAILROAD AND HISTORY MUSEUM

PROPOSED LOCATION: 151 OLD LAMY TRAIL, LAMY, NM 87540

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: _____
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: COUNTY OF SANTA FE
3. DISTANCE FROM NEAREST CHURCH IS APPROXIMATELY: 4.6 miles
NAME OF CHURCH IS: St. Elias the Prophet
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: 4.7 miles
NAME OF SCHOOL IS: CHILDREN GARDEN MONTESSORY
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: 50.4 miles

MILES

NAME OF INSTALLATION IS: KIRTLAND AIR FORCE BASE (ALBUQUERQUE)
 WHITE SANDS MISSILE RANGE (LAS CRUCES)
 HOLLOWMAN AIR FORCE BASE (ALAMOGORDO)
 CANNON AIR FORCE BASE (CLOVIS)

NOTICE POSTED ON: BUILDING _____ BILLBOARD _____ OTHER: _____

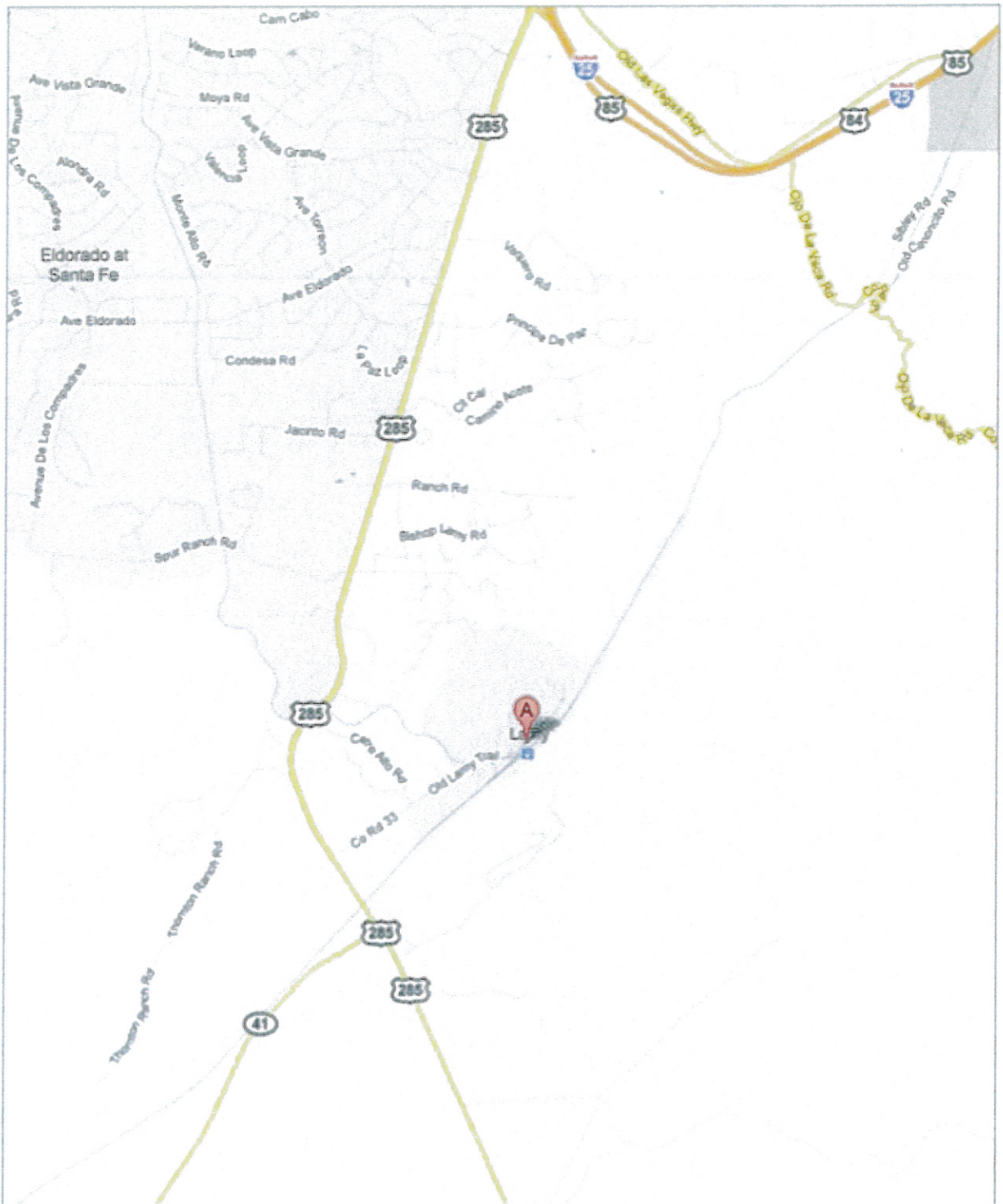
DATE POSTED: 10/28/11

EXPIRATION DATE: 11/16/11

[Signature]
APPLICANT'S SIGNATURE

[Signature]
S.I.D. SPECIAL AGENT





The Lamy Railroad & History Museum is located 6 miles south of Eldorado on US 285. From US 285 turn on County Road 33 (road sign pointing to Lamy). The Lamy Railroad & History Museum / Legal Tender is 1 mile from US 285.





LAMY RAILROAD & HISTORY MUSEUM

...preserving and portraying the history of railroads and their impact on the American Southwest, Santa Fe, and the village of Lamy, New Mexico

November 17, 2011

To Whom It May Concern:

The Lamy Railroad and History Museum is requesting permission to serve alcohol at the property known as The Lamy Railroad and History Museum / Legal Tender. The property is located at 151 Old Lamy Trail, Lamy N.M. 87540.

The restaurant will serve beer and wine with meals. The restaurant hours of operation will be Thursday thru Saturday 11a until 9p, Sunday noon until 6p. We will be serving beer and wine on the property at our catered events and fund raising events.

Beer and wine will be served in designated areas as approved by New Mexico Alcohol and Gaming Department.

The museum has a multi year - annual renewal agreement for food service and event management with Learning Mind, a NM non-profit corporation mailing address # 493, 7 Avenida Vista Grande B-7, Santa Fe NM 87580-9207. Primary contacts for Learning Mind: Cindy Jednak 505.466.1201, John Jednak 702.595.0963. The museum is the owner of all kitchen equipment in the Legal Tender and is responsible for it's maintenance. In addition the museum provides; water, propane, trash service and insurance.

Sincerely

Samuel L. Latkin
Director
Phone: 505 466-1650

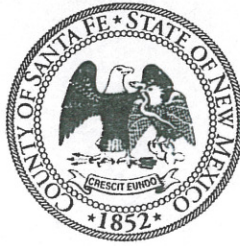
John Jednak
Director
Phone: 702.595.0963



Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

October 21, 2011

Lamy Railroad and History Museum
John Jednak
151 Old Lamy Trail
Lamy, New Mexico, 87540

Re: Zoning Statement

Mr. Jednak:

This office has been asked to provide a zoning statement with respect to the above referenced property.

The Lamy Railroad and History Museum, formerly known as the Legal Tender, received Master Plan Zoning on August 14, 2007. The Board of County Commissioners approved the Master Plan and was recorded in the office of the County Clerk on October 23, 2007, in Book 667, Pages 40-49.

The master plan approval consisted of 3,500 square feet for the museum and gift shop, 500 square feet to be used as storage and 1,500 square feet to be utilized as the restaurant and saloon. The zoning on this site allows for the designated area approved by the county as a restaurant and saloon to serve beer and wine with meals.

If you have any questions contact my office at 986-6225.

Sincerely,

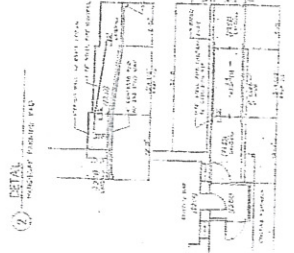
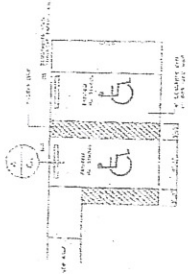
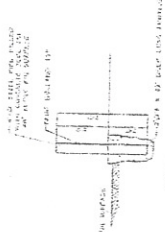
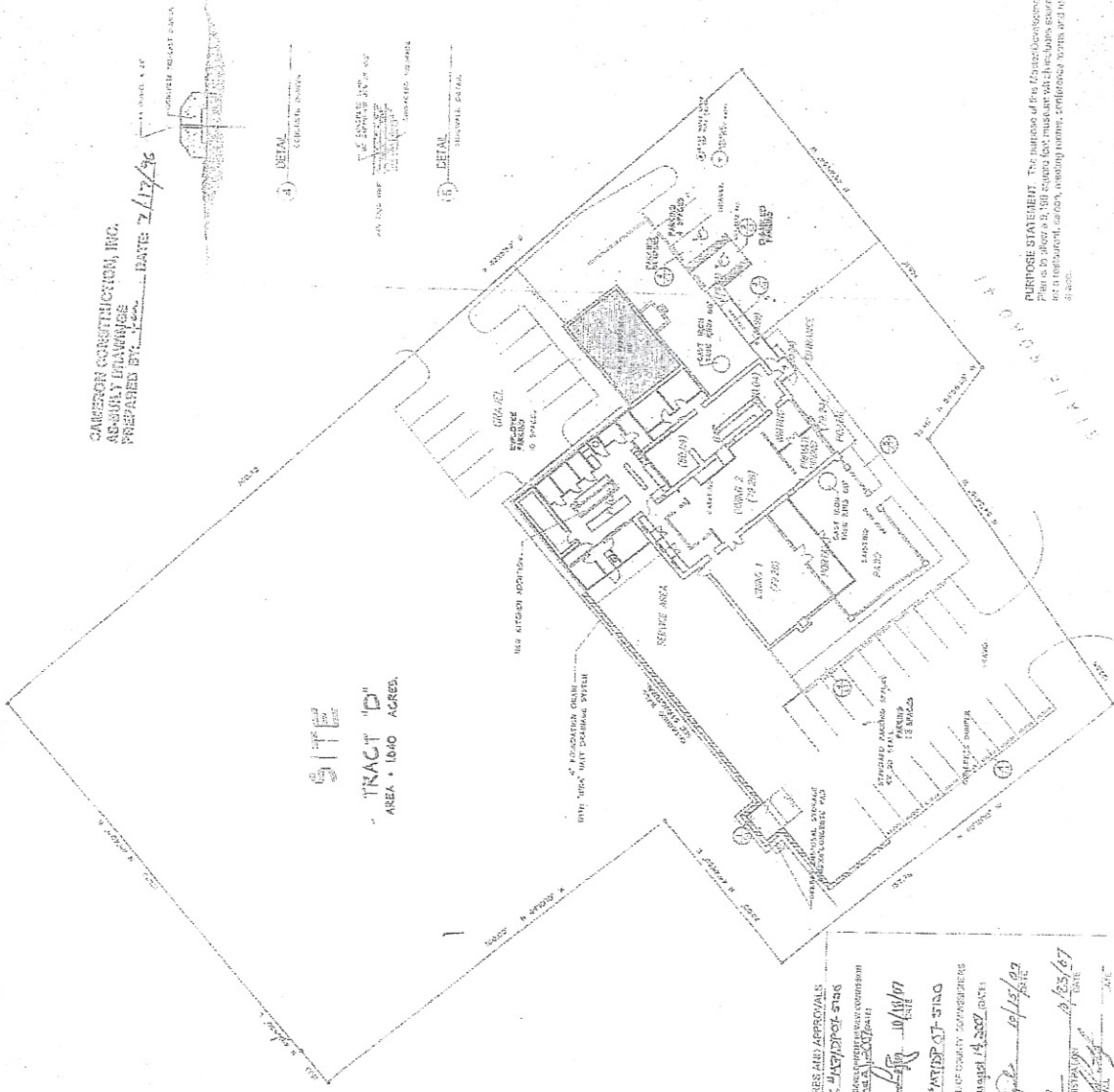
Jack Kolkmeier
Land Use Administrator

Cc; Jose E. Larrañaga,
Commercial Development Case Manager



CARLETON CONSTRUCTION, INC.
 ARCHITECTURAL DRAWINGS
 PREPARED BY: DATE 2/17/96

SITE
 TRACT 'D'
 AREA - IMHO ACRES



SIGNATURES AND APPROVALS
 APPROVED BY THE COUNTY CLERK OF COUNTY SUPERVISORS
 AT THEIR MEETING OF August 14, 2007 (DATE)
 APPROVED BY THE COUNTY CLERK OF COUNTY SUPERVISORS
 AT THEIR MEETING OF August 14, 2007 (DATE)
 APPROVED BY THE COUNTY CLERK OF COUNTY SUPERVISORS
 AT THEIR MEETING OF August 14, 2007 (DATE)
 APPROVED BY THE COUNTY CLERK OF COUNTY SUPERVISORS
 AT THEIR MEETING OF August 14, 2007 (DATE)

PURPOSE STATEMENT: The purpose of this Engineering Plan is to show all 500 square foot restaurant which will be located on the site as a restaurant, bar, lounge, meeting rooms, conference rooms and other.

PROJECT: 1-057-085 - 2001 - 0001
 SHEET: 11/11/96 03-01-01-01
 151 CADLAWYER



DATE: 2/17/96



**Legal Tender at The
Lamy Railroad &
History Museum**

**Museum
Exhibits**

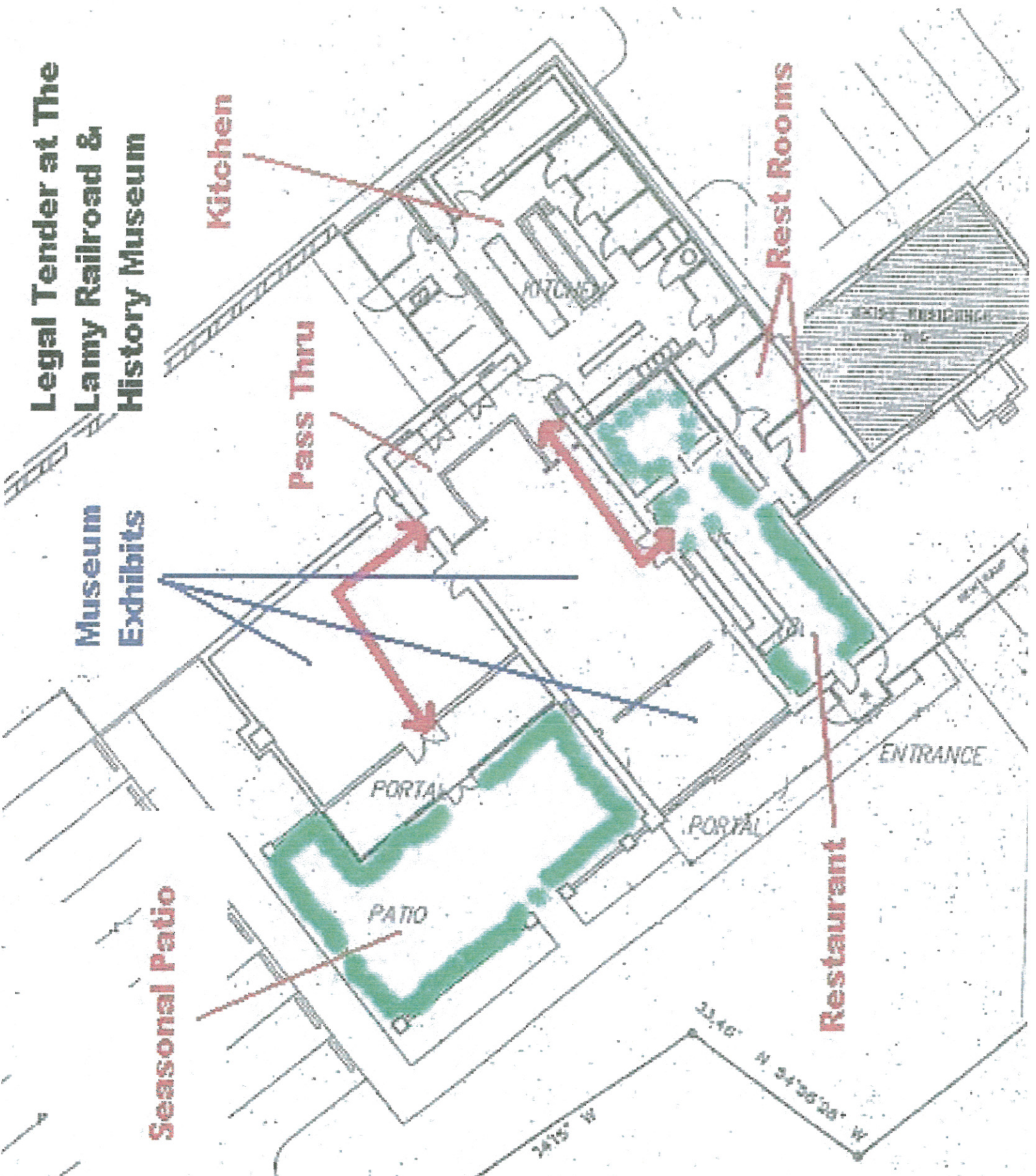
Seasonal Patio

Kitchen

Pass Thru

Rest Rooms

Restaurant





State of New Mexico
Environment Department

FOOD ESTABLISHMENT PERMIT

This is to certify that Learning Mind DBA Legal Tender at Lamy Railroad and History Museum

Owner of: Legal Tender at Lamy Railroad and History Museum

Is hereby granted a permit to operate a food establishment

At: 151 Old Lamy Trail; Lamy, NM 87540

Type of Establishment: Food Service - Caterer

Limitations or Restrictions: _____

Failure to maintain and operate the establishment in compliance with the Regulations (7.6.2 NMAC) may result in suspension or revocation of this permit by an authorized representative of this Department. This permit shall be renewed annually.

Date Issued: 12-OCT-11 Permit Number: 30855 - PRF20110002

Expiration Date: 31-OCT-12 Authorizing Official: Robert [Signature]

This permit is not transferable to another individual, establishment, or location. for Vladimir

This permit must be displayed in a conspicuous place.



COMMERCIAL LICENSE

License No: 12698

Permit No:

Permit Type: COMMERCIAL

State of New Mexico, County of Santa Fe

WHEREAS ALLEN ANDERSON AND SAMUEL LATKIN, residents of 151 OLD LAMY TRAIL-LEGAL TENDER BLDG, LAMY, NM 87540

County and State aforesaid, and one of the members of the firm known as LAMY RAILROAD AND HISTORY MUSEUM has made application for a license as COMMERCIAL; therefore

License Has Been Granted

to the said LAMY RAILROAD AND HISTORY MUSEUM to carry on said business at

151 OLD LAMY TRAIL-LEGAL TENDER BLDG, LAMY, NM 87540

in said County and State for a period of 12 months, commencing on the 1 day of January, 2011 and ending on the 31 day of December, 2011, under the provisions of the law in such cases made and provided.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Treasurer, at Santa Fe, N.M., this 1

day of January 2011



Victor A. Montaña
SANTA FE COUNTY TREASURER



XIII. A. 5. CDRC Case # MP/DP 07-5120 Lamy Railroad - Lamy Railroad & History Museum, Applicant, Linda Tigges, Agent, Request Master Plan Zoning Approval with Preliminary and Final Development Plan Approval to Allow a 9,199 Square Foot History Museum with a Restaurant, Saloon, Offices, Meeting and Conference Rooms, and Retail in the Existing Legal Tender Restaurant and Saloon Building on 1.84 Acres. The Property is Located at 151 Old Lamy Trail, via NM 285, Lamy, NM within Section 33, Township 15 North, Range 10 East (Commission District 5)

CHAIR VIGIL: Mr. Salazar is the case planner. Mr. Salazar, I'm trying to allocate time here tonight because we are trying to get through the entire agenda. Ms. Tigges, how long will your presentation be? If you could tell me.

LINDA TIGGES: Probably not even five minutes and then Sam, not more than three minutes.

CHAIR VIGIL: Okay, is there anyone who is here to speak on this item on the agenda, please raise your hands now. I have seven people. We might need to provide a time limit for your speakers so be prepared for about two minutes if you want to start thinking about what you want to say. Mr. Salazar, please continue.

JOHN M. SALAZAR (Review Specialist): Thank you, Madam Chair. On June 21, 2007 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend master plan zoning, preliminary development plan approval with final development plan to be approved administratively with staff conditions.

Chairwoman Vigil mentioned that this application is in the existing Legal Tender restaurant. It's to allow a museum with a restaurant, saloon, meeting rooms, conference rooms and retail space. The building was originally constructed in 1881 as a general store and from 1953 to 1998 operated as a restaurant/saloon. The Legal Tender Restaurant and Saloon was given legal non-conforming status by Santa Fe County but the building has not been in use since 1998. Article III, Section 4.2.4a.1 states "Existing development will be allowed to continue as a non-conforming use, pursuant to Article III, Section 4.5."

Article II Section 4.5.2b of the Code states that a non-conforming use of a structure or land, or a non-conforming structure, previously established as a use similar to a proposed new use of the structure or land, or a use of a structure or land which has been suspended by a period of time not longer than one year, may be reused, extended or expanded provided - and there's a list of seven criteria for the non-conforming use.

The applicant does not want to modify the existing building or site plan, but rather wishes to recover the lapsed zoning. Because more than one year has lapsed, an updated master plan is required in order to reinstate the legal non-conforming use previously in place on this property. We reviewed this application for existing development, access,



roads, parking, terrain management, water, fire protection, liquid and solid waste, traffic, signage and lighting, landscaping.

Staff's recommendation: The reinstatement of this legal non-conforming use is Code compliant based on Article II, Section 4.5.2b and Article III, Section 4.2.4a.1; therefore staff recommends master plan zoning and preliminary development plan approval with final development plan to be approved administratively subject to the following conditions.

[The conditions are as follows:]

1. All redlines comments must be addressed.
2. Lighting cut sheets and a lighting analysis shall be submitted prior to final development plan approval.
3. All lighting and signage shall conform to County Code requirements as approved by staff.
4. A detailed landscaping and signage plan shall be submitted prior to final development plan approval.
5. All landscaping shall be in compliance with County Code standards as approved by staff.
6. Compliance with applicable review comments from the following:
 - a) State Environment Department
 - b) State Highway Department
 - c) County Fire Marshal
 - d) County Public Works
 - e) Technical Review Division
 - f) County Hydrologist
 - g) State Engineer
7. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
8. A solid waste disposal contract must be submitted prior to final development plan approval.
9. An access permit will be required from County Public Works and/or the DOT prior to final development plan approval.
10. One additional space must be designated for handicap parking.
11. A detailed drainage plan will be required prior to final development approval.
12. The dumpster shall be screened by a 6' solid wall or fence.
13. Additional landscaping will be required in and around the parking area.
14. Commitment from the Lamy Wastewater System and approval by the NMED will be required prior to final development plan approval.
15. The applicant must furnish a copy of the updated discharge permit.

CHAIR VIGIL: Are there any questions for staff? Seeing, hearing none, will the applicant please come forward. State your name and address for the record.

MS. TIGGES: Linda Tigges, Tigges Planning Consultants.

[Duly sworn, Linda Tigges testified as follows:]

MS. TIGGES: I'd like to introduce Sam Latkin sitting beside me there. He is the president of the Lamy Railroad and History Museum. We agree with the conditions of approval. I've put the maps up here just to remind you of the location. I think all of you are familiar with the project, the former Legal Tender. As John Michael suggested, the project was legally non-conforming during the years many of us went to visit it. In 1996 it was restored with a new kitchen and a different restaurant went in. That lasted for 18 months. It closed in 1998 and it's been closed for the next eight or nine years, thereby losing its legal, non-conforming status.

In 2004 it was donated to the Railroad and History Museum. They have continued to use it for special events, using a special events permit, the County telling them that they needed to get the rezoning back. I want to point out they are doing no remodeling. They are simply here to ask for the former zoning. What they are asking for specifically is for 3500 square feet for museum and gift shop, 500 square feet for storage, and 1500 square feet for the restaurant and the saloon.

They hope to continue their museum and then to continue to have a place for weddings, neighborhood meetings, community meetings and for visitors that come off the train that have special events. The infrastructure is in place, it has been in place for some time. The septic system is a wetlands system which has been approved. It's a little bigger than needed right now. It was built for when the Legal Tender was in operation. It's operating at half capacity now and if this gets approved it would go back to full capacity.

The water, we have a letter from the Lamy water system providing us water and again, it's been a user all along. It never quit being a user. Under fire protection, the board of the museum has worked continuously with Buster Patty and come up with a fire protection system with which the Fire Department is comfortable. With that I'd like to stand for questions.

CHAIR VIGIL: Any questions for Ms. Tigges? Seeing none, Mr. Latkin.

[Duly sworn, Samuel Latkin testified as follows:]

SAMUEL LATKIN: 158 Old Lamy Trail, Lamy, New Mexico. Madam Chair and Commissioners, thank you very much for considering our application to zone the Legal Tender building. I'm one of the founders of the museum. Many of our board members are here today. Dr. Tom Chavez was supposed to come and I hoped he would make the presentation but he just called me at 4:00 and his daughter was ill, so I'm just going to do the best I can. If you hear some yelling in the background it's my wife stand up straight or something, so I hope I do.

Anyway, the board members that are here are Fred Friedman, Dr. Bruno Leon, Ed Petrus, Kathy Pilnock and Bob Sarr. And Dr. Ed Williams would have been here but he's been at the Boy Scout Hundred Year Convention in England, sleeping on the ground and it rained every day, and he just got back Monday so today being Tuesday I think he needed some time off. We hope you have time to hear some of the people from our community.

CHAIR VIGIL: I think seven people have said they'd testify and they'll all have two minutes.

MR. LATKIN: Okay. We are a 501(c)(3) non-profit corporation. We're recognized by the federal government, the state of New Mexico and Santa Fe County. Most American cities look alike. If we blindfolded you, you would go in and you wouldn't know where you are. There's just nothing but the same looking stores and same looking houses. The reason Santa Fe and Santa Fe County is one of the most desirable places to come to is that they preserve their history and their buildings, and that's all they're really trying to do here. The Legal Tender is one of the oldest and best preserved buildings in Santa Fe County. It's on the National Historic Register and the State Historic Register.

So far this summer over 1500 school children have come up to Lamy on the Santa Fe Southern train and have come to our museum, which is really something. They've come from Grants and Las Vegas, Albuquerque, Pecos, Santa Fe, Taos, Rio Rancho, several Indian Pueblos and Kirkland Air Force Base. So that's just an example of what service we're providing.

The Lamy Water Board and the church preservation group in Lamy meet in our Legal Tender once a month and we don't charge them anything. It's just a community service. We've had events like memorial services and birthday parties and local high school graduations. We also rented the LT for a movie last month called Conspiracy, with Val Kilmer, and that was kind of fun.

I jumped around a little bit but I did want to especially thank Commissioner Jack Sullivan for his support and encouragement. It's really been a big help to us. Twelve thousand people from all over the world arrive at the Amtrack station every year in Lamy, either to get on or off the train to go to Santa Fe, and lots of them have come to visit our museum. We've had people from every country in the world, just about. So I think that's interesting. Some time this January and February the Orient Express, which is now called the Grand Luxe is talking about using the LT for eight events, and they're bringing people from all over the world out to stay in Santa Fe. So I think that should be something interesting.

We're asking for zoning approval because we're a non-profit organization, but if we don't have any money or any income from our building it's just a cost. We're not in this to make tons and tons of money, but what we'd like to do is have a coffee bar type thing. I don't really like the word saloon, which would be in the 1890-1900 motif. It wouldn't be running a lot with people dressed in mesh stockings for the girls and garters on the men's sleeves and it would be like a re-enactment of what it used to be. So what we're trying to do is have a living museum where things are happening and people feel like what it was in 1890 or 1900.

We feel like it's a miracle that we got this building. In fact it's unbelievable that Mr. Fisher donated this building with no strings attached and it's well over a million dollars worth of everything in it. The picture. I hope you could all come out and see it some time. It's as good as it ever was. What we need is your support and encouragement

so we can make a success of this museum. And then just to conclude, there's an old building that used to be the archives building down by the railroad tracks. It looks in bad shape as a matter of fact. There's a sign on it by Winston Churchill and it says, "A nation that forgets its history has no future." I think we're doing a good job of protecting and preserving history. Thank you very much.

CHAIR VIGIL: Thank you, Mr. Latkin. Any questions for Mr. Latkin or Ms. Tigges? Thank you. There were seven people who wanted to speak to the Commission. Of those people, can I have a show of hands of those who are going to testify in favor of this? So is there anyone opposed to this? So those of you in favor please line up to my right and come forth and speak.

[Duly sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: Commissioners, I'm Kathy Pilnock. I live in Lamy. I am going to be real brief. I serve on the Lamy Water Board, on the Railroad Museum Board and on the Historic Church Renovation Foundation Board. What excites me is how all these groups can work together. I can tell you the Water Association has really missed the revenues that we used to get from the Legal Tender Restaurant. We feel that it will spark more interest in renovating the church building if we can talk it up in the museum and in the restaurant.

I'm also on the US 285 Coalition. Nobody on that group is opposed to it. As far as I know, there's only one person in all of Santa Fe County that's opposed to it and he's not here tonight. So thank you for your consideration and I would ask you to approve this project.

CHAIR VIGIL: Thank you, Ms. Pilnock. Next.

[Previously sworn, Edward Petrus testified as follows:]

EDWARD PETRUS: My name is Edward Petrus. I'm a resident of Lamy, New Mexico. I've lived in Lamy for about 22 years. I've know the previous owners of the restaurant and saw it go through its changes. My concern is that it can be used for social functions, because we don't have any existing community center for meetings and as Sam stated, for memorials and weddings and things like that.

So I'm definitely in favor and I hope you folks can help us out. Thank you.

CHAIR VIGIL: Thank you, Mr. Petrus. Next.

[Previously sworn, Carol Raymond testified as follows:]

CAROL RAYMOND: Madam Chair, Commissioners, I'm Carol Raymond, president and general manager of Santa Fe Southern Railway. We have already been able to utilize the services of the Legal Tender by getting a special use permit for special events and we are looking forward to the zoning being approved tonight. The Lamy Railroad and History Museum has already done a great job preserving rail history and other types of history in Lamy, New Mexico for the community. They've restored a diner. They are preserving the Legal Tender. They have provided a 1950 Superchief Dome Car for use on the Santa Fe Southern line, for which they've contracted with us to keep it up in shape. There are only six of those in existence and this is the only one that we know of that's

running on a regular basis, providing a living piece of history to the world.

The Legal Tender is beautiful. I hope you do come because the original paintings are there an the bar, and we've already had some beautiful events there. So for the sake of history for Lamy and for business for Santa Fe Southern Railway, please approve this zoning. Thank you.

CHAIR VIGIL: Thank you, Ms. Raymond. Next.

[Previously sworn, Fred Friedman testified as follows:]

FRED FRIEDMAN: Madam Chair, Commissioners, my name is Fred Friedman. I have a background in railroad history, and I just wanted to express a couple of thoughts on the Lamy museum and railway effort that we're talking about tonight. There's a myth that exists in this country and in this state that railroading is in a dying state. Nothing could be further from the truth and I think that's exemplified by the number of freight trains that are going through the state, the fact that commuter rail is coming to Santa Fe, and several other issues.

But I think it's important to recognize that Santa Fe County has more railroad history and background than most other states combined. And it's very important I think to have a place where a lot of that historical memorabilia, documents, and equipment can really be housed and where students and people coming to the state can get a real feel for railroad history and really make a connection between historical aspect and the future of transportation and economics, both in this county and in the state. So I certainly urge you to approve this project.

CHAIR VIGIL: Thank you, Mr. Friedman. Next.

[Previously sworn, Preston Martin testified as follows:]

PRESTON MARTIN: Good evening, Commissioners. My name is Preston Martin. Some of you might remember me as the bicycle parts distributor searching for land in the county. I'm not here to talk about that. I'm here in support of the museum and the reopening of the Legal Tender as a restaurant. I sit on the board of directors for the Lamy Community Association. I know of nobody in Lamy that is against this. I see the Tender as an important and vital congregation point for our community, where we hold events like potlucks and wakes and New Years celebrations. All kinds of things happen there. This is a real important place for us, so I urge your support. Thank you.

CHAIR VIGIL: Thank you, Mr. Martin.

[Duly sworn, William Dunning testified as follows:]

WILLIAM DUNNING: Good afternoon, Madam Chair and gentlemen. My name is William Dunning. I have lived in Santa Fe County for about 40 years now and we know, you know, that Santa Fe is about making people welcome and that's exactly what the Lamy Railroad and History Museum is going to do for people who come in on the train. And more people are doing that these days because they've realized that what it is if you have time to spare, you go by air, but if you want to get there, you go by train.

That's what people are doing. This museum and community center and welcoming beacon to everyone who lives in Santa Fe County is going to be doing just that. Even Santa

Claus is going to be there. Thank you very much and I know you'll do the right thing.

CHAIR VIGIL: Thank you, Mr. Dunning. If there is no further testimony, this public hearing will be closed and I will ask the Commissioners if they have any questions, comments or direction on motion. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. I'm really glad to see that this Legal Tender is not just sitting there anymore empty. The Legal Tender has been a gathering place for the people from Lamy and the surrounding communities for many years. I know I spent a lot of time there when it was open, playing music on the porch and then finally being able to get invited in and play music indoors. I think I had more fun on the porch. I want to thank Mr. Latkin for continually inviting me over there and I never did get a change to come visit but I will. I think this is going to be a great thing for the community and for the people that get off the train to just go see a little bit of history. And with that I make a motion to approve this.

CHAIR VIGIL: Motion, is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: There's a second. We have a motion and second. Is there further discussion?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just briefly, and it's preaching to the choir here as far as I'm concerned, but I want to echo what Commissioner Anaya said, that it's a real gem of a facility and they've already done thousands of dollars worth of work there renovating the kitchen and starting with upgrading the facilities, the sprinkler system, and it's coming and there's a built-in community center already and it saves us as the County having the residents of Lamy, who are in my district, coming forward and saying We'd like a community center. So that will benefit the other Commissioners here because they can utilize the funds for their community centers, because we already have one in Lamy, and it's a historic one and one which the Lamy residents want to preserve. So I wholeheartedly support the motion and the application and would recommend everyone's vote in the affirmative.

CHAIR VIGIL: Any further? Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, the Legal Tender, I've heard about it since I was in high school and never had the opportunity to get that far when I was in high school so I hope I can make it out there shortly to see what's being done and visit the place for the first time.

CHAIR VIGIL: Definitely, the Legal Tender was a part of my upbringing and history too. I just want to know: What's going to happen with the ghosts?

MR. LATKIN: They're very happy there.

CHAIR VIGIL: They're welcome and they're happy that it's active again. Good to know that. Any further comments? Motion and second.

The motion passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Congratulations. Keep up the good work.

- XIII. A 6. **CDRC Case #MP/DP 07-5070 Bridging the Worlds Animal Sanctuary. Beverly Antaeus and Robert Hayes, Applicants, Request Master Plan Zoning Approval with Preliminary and Final Development Plan Approval for an Animal Sanctuary Devoted to the Rescue, Rehabilitation and Adoption of Homeless Dogs Along with Yards and Shelter for 50 Dogs on 10 Acres. The Property is Located at 401 Red Rock Road, via NM 16, Santa Fe, NM, within Section 32, Township 14 North, Range 7 East (Commission District 3) [Exhibit 4: Sanctuary notebook submitted by the applicant]**

MR. SALAZAR: On June 21, 2007, the County Development Review Committee met and acted on this case. Their decision was to recommend master plan zoning and preliminary development plan approval, with final development plan to be approved administratively with staff conditions. The applicant is requesting approval of an existing animal sanctuary devoted to rescuing, rehabilitating and the adoption of homeless dogs brought in from around the county and other surrounding areas. The project is located on a 10-acre parcel of land approximately in the middle of the 88 acres owned by the applicant. The applicants propose fencing off enclosure yards and constructing small shelters for 50 dogs.

The property includes an 1847 square feet manager's quarters/doghouse, a 368 square feet combined dog house and studio/workshop, a 115 square feet solar power station and a 110 square feet storage shed. There are also a few 6' x 10' chain link runs used as dining rooms or as temporary enclosures for added safety and security. No structure in excess of 24 feet in height is proposed.

We reviewed this application for existing development, access/roads, parking, terrain management, water, fire protection, liquid and solid waste, traffic, signage and lighting.

Staff recommendation: The proposed animal sanctuary provides service to local animal shelters and is considered a community service facility per Article III, Section 7 of the Code. Per Article III, Section 7.1, community service facilities are allowed anywhere in the county. Staff recommends master plan zoning and preliminary development plan approval with final development plan to be approved administratively for a community service facility on ten acres, subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]