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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2021-72**

**INTRODUCED BY:**

Councilor Signe I. Lindell  
Councilwoman Renee Villarreal  
Councilor Michael J. Garcia

**A RESOLUTION**

**ALLOCATING AN ADDITIONAL 4.7 ACRE FEET OF AVAILABLE WATER FROM  
THE CITY’S EXISTING WATER SUPPLY TO SILER YARD, LOCATED AT 1218  
SILER ROAD.**

**WHEREAS**, Siler Yard, previously known as the Arts + Creativity Center, was partially funded through the Low Income Housing Tax Credit Program (“LIHTC”) and will offer 65 units of very affordable rental homes, serving renters earning no more than 60% of the area median income (“AMI”), thereby meeting the definition of “affordable housing” according to the City Code and the New Mexico Affordable Housing Act; and

**WHEREAS**, several resolutions were approved by the Governing Body committing support for this project including donating the property on which the project is built (Resolution No. 2016-30), the provision of water infrastructure and housing funds (Resolution No. 2018-09), the dedication of which was further supported by Resolution No. 2019-06; and

**WHEREAS**, the first residents are anticipated to move into Siler Yard by December of 2021; and

1           **WHEREAS**, Siler Yard is located in the City limits and the City will service it with City  
2 water; and

3           **WHEREAS**, the City has expressly stated in SFCC 1987, Section 14.11-8(G) that various  
4 fees, and utility expansion charges are waived for housing development that provides affordable  
5 housing units, as defined in the City’s code and by the New Mexico Affordable Housing Act; and

6           **WHEREAS**, SFCC 1987, Section 14-8.13(B) provides that the “city shall allow reduction  
7 in the consumptive water rights required to be transferred in this subsection by the amount of  
8 consumptive water rights required for any Santa Fe Homes Program unit, a Housing Opportunity  
9 Program unit as per a valid Housing Opportunity Program Agreement or any dwelling unit meeting  
10 the definition of a low-priced dwelling unit as set forth in Section 26-2 SFCC 1987.”; and

11           **WHEREAS**, this reduction does not automatically cover outdoor irrigation, common uses,  
12 or the 9.8% contingency for water system losses.

13           **WHEREAS**, the water use for the affordable units is estimated to be 10.4 acre feet per  
14 year, the cost for which is waived under City Code; and

15           **WHEREAS**, the design of Siler Yard includes mixed use buildings, where residential units  
16 are co-located with non-residential uses on a single water meter; and

17           **WHEREAS**, these uses are essential to the operations of the housing, and are required by  
18 the LIHTC subsidy funding sources, as well as to the quality of life for residents; and

19           **WHEREAS**, the non-residential uses include a leasing office, a laundry facility for  
20 residents’ use, a shared gallery and community space, and outdoor gathering and open spaces; and

21           **WHEREAS**, Siler Yard has a total Development Water Budget of 15.10 acre feet,  
22 including required water offsets for the indoor and outdoor water usage plus a 9.8% contingency  
23 fee to provide for the aforementioned water utility demand at Siler Yard.

24           **WHEREAS**, SFCC 1987, Section 25-9.6(A) provides that “[u]pon review of the annual  
25 water budget, the governing body shall determine if water is available for allocation.”; and

1           **WHEREAS**, there are currently 194 acre feet available for allocation by the City of Santa  
2 Fe (“City”); and

3           **WHEREAS**, SFCC 1987, Section 25-9.6(C) provides that “[t]he governing body may  
4 allocate by resolution some or all of the water available for allocation to both city and other uses  
5 and projects that meet the city’s priorities.”; and

6           **WHEREAS**, Section 25-9.6(D) provides that “In making allocations, the governing body  
7 shall give priority to the following uses... (4) City projects including, but not limited to, parks and  
8 open space, affordable housing, water for the Santa Fe river, city buildings and other city facilities”.

9           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
10 **CITY OF SANTA FE** that, pursuant to SFCC 1987, Section 25-9.6, the Governing Body hereby  
11 allocates an additional 4.7 acre feet of available water from the City of Santa Fe’s water available  
12 for allocation to the Siler Yard Project, located at 1218 Siler Road.

13           **BE IT FURTHER RESOLVED** that the City shall retain title to the water rights.

14           **PASSED, APPROVED, and ADOPTED** this 8<sup>th</sup> day of December, 2021.

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19 ALAN WEBBER, MAYOR

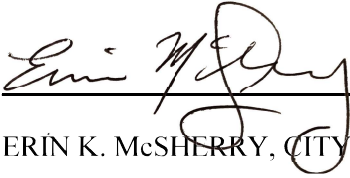
20 ATTEST:

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23 KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2021/Resolutions/2021-72 Siler Yard Water Allocation*