

Drilling debate continues for Council - Denton Record-Chronicle (TX) - March 4, 2015 - page NEWS_A01

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The City Council labored over another round of updates to Denton's natural gas drilling ordinance Tuesday night, work that ostensibly should help the city's west side develop in the coming years.

Denton has banned hydraulic fracturing in its city limits, but it hasn't banned drilling for oil and gas. The high density of existing gas wells and pipelines on the city's west side has created some problems for its future development.

It was, in part, the city's inability to enforce its setbacks between homes and well sites that galvanized residents and led to November's landslide vote to ban fracking.

About 30 people had come out Tuesday to give and hear testimony on the revisions, but about a third had left by the time the council opened the public hearing at about 9:50 p.m. Council members spent more than an hour deliberating over how close homes and businesses could be built up to existing well sites, particularly those that the city hopes will be phased out. They also went down a list of additional requested revisions from residents.

Sharon Spiess told the City Council she was among a group of residents and activists with **Frack Free Denton** who traveled to Austin on Monday to visit with legislators about preserving local control.

"To fully protect the citizens, you must enhance our ordinance, particularly if we lose on the legislative front or in court," Spiess told the council.

Within hours after the polls closed in November, both the Texas Oil and Gas Association and the Texas General Land Office sued the city to block the ban on fracking, both claiming it was unconstitutional. The ban has been in effect since December. In response to Denton's ban, several bills have been introduced in the Texas Legislature seeking to keep cities from banning fracking or to otherwise limit local control.

For Denton's newest ordinance revisions, the city is working toward having energy companies select single locations to work from, ultimately reducing the current density of wells and freeing up land on the city's west side for other uses.

The consolidation would be achieved either through "combined districts" for new wells or "co-location" for old ones. In co-location, the new rules would allow the city to review an energy company's application to drill by pulling together all contiguous leases, selecting a single location for multiple, horizontal wells, and releasing the rest of the land for other development.

Representatives of the oil and gas industry and royalty owners opposed the consolidation efforts. Ed Ireland, with the Barnett Shale Energy Education Council, called co-location "totally unworkable."

"The reason wells are located on someone's land is because they want them," Ireland said, pointing out that mineral owners may get working interest in the wells that are drilled. "They [co-location requirements] will limit the rights of surface owners."

One royalty owner provided written testimony to oppose the consolidation efforts, calling them a mistake to fix other mistakes.

Denton has allowed housing developers to build up to 250 feet from an existing gas well even though drillers cannot come closer than 1,200 feet to an existing home. EagleRidge Energy capitalized on the exception in 2012, challenging the city's rules for new wells by drilling on old pad sites close to homes along Vintage Boulevard and Bonnie Brae Street. The city was unable to secure a temporary restraining order to stop the company.

The city first unveiled the "co-location" program and proposed other new rules in December. Because co-location would be a part of city zoning, the changes went before both the Planning and Zoning Commission and the City Council. In January, in a split vote, the commission recommended denying the changes.

A super-majority of the council is needed to overrule the recommendation to deny, but the council had not voted on the changes by late Tuesday.

The city also proposed amendments to increase insurance coverage requirements of operators, to improve disclosure of existing gas well locations to people buying homes and property in Denton, and to hire an independent firm to conduct additional equipment inspections.

The city's independent inspectors won't be measuring the air for emissions because that authority belongs to the Texas Commission on Environmental Quality. However, the inspectors will make sure that the equipment is functioning properly, which typically helps keep fugitive emissions to a minimum, staff said.

Earlier in the meeting, the council heard a presentation from two members of Denton for Fair Towing, which called on the city to adopt a towing ordinance.

Currently, the city regulates only police-initiated tows.

The group called for local regulation of nonconsensual tows. Council members agreed to take up the matter in a future work session.

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