

PUBLICATION

Denton, Texas at Center of Another Land Use Dispute

Authors: Luke Preston Cantrell

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Less than three months after Texas House Bill 40, which limits municipalities' abilities to regulate oil and gas operations, was signed into law, and little more than a month after the City Council repealed its highly controversial fracking ban, the citizens of Denton, Texas, are again making news for their land use battles with the oil and gas industry.

Instead of attempting to directly regulate fracking or well placement, Denton is now in a debate over more traditional land use restrictions – setbacks and reverse setbacks. Denton's current setback ordinance requires the distance between a new gas well and locations such as homes, schools, churches and hospitals be at least 1,200 feet; the City's reverse setback ordinance, which regulates the distance a developer may build from an existing well, is currently 250 feet.

After repealing the fracking ban, which was widely viewed as an attempt to get oil and gas companies to drop their lawsuits against the city, the City Council appears to be making further concessions by considering reducing the setbacks for new wells to the previous setback distance of 1,000 feet and increasing the distance developers must allow around existing wells to 500 feet. The city's Planning and Zoning Commission recommended reducing the setback even further to 750 feet.

Although many assumed the recent City Council meeting would result in an agreement to revert to a 1,000-foot setback, strong opposition by citizens resulted in postponement of a final vote. The inability to reach resolution is just the latest example of the conflict between Denton and the oil and gas industry. As fracking bans continue to be centers of controversy across the country, land use regulations and ordinances will likely become a heightened area of focus for municipalities that want to regulate the oil and gas industry while attempting to avoid conflict with state laws.