



## **Town of Flower Mound Oil and Gas Well Drilling Fact Sheet**

### **History:**

- Flower Mound's first Oil and Gas Well Drilling ordinance was adopted in May 2003.
- A gas well ordinance must take into account the rights of all property owners, including mineral owners and land owners, relative to establishing surface setbacks and providing balanced regulations for responsible gas well drilling.
- Considered one of the most stringent in North Texas, the ordinance was used by several other cities as a template in the creation of other municipal Oil and Gas Well Drilling ordinances.
- The ordinance included provisions addressing safety, noise levels, setbacks, and environmental impacts.
- A stakeholder group was appointed in May 2005 to review the ordinance and recommend revisions. The group held several public meetings and made a proposal to the Town Council in August 2006. In order to expand the community input process, the Town hosted several additional public forums after receipt of the stakeholder group recommendation.
- The Town Council accepted public feedback through a dedicated email account and held two work sessions, two public comment meetings, and a public hearing prior to adopting an updated ordinance in March 2007.

### **The Process:**

- Once an application is received for a gas well, Town staff reviews the submitted information to ensure that it complies with the Town's ordinances.
- If the applicant meets all of the requirements of the Oil and Natural Gas Well Drilling ordinance, particularly the setback distances, the application shall be approved by staff because it meets all of the required criteria.
- If the applicant can not meet all of the requirements of the ordinance, particularly the setback distances, the applicant may go before the Oil and Gas Board of Appeals to request a variance from the requirements outlined in the ordinance.

- The Oil and Gas Board of Appeals is a quasi-judicial board and not a legislative body with the authority to amend ordinances or create new laws. The only appeal to a decision rendered by the Oil and Gas Board of Appeals is to a legal court of record. The appeal must be filed with the Court within ten days of the board's decision. State law prohibits the Town Council from hearing an appeal.

### **Oil and Gas Well Drilling Background:**

- All Oil and Gas Well applications submitted to date that require variances under the current ordinance would have also required variances under the previous ordinance.
- Oil and Gas Well setback requirements in North Texas vary depending on the municipality. Generally speaking, Flower Mound's setback requirements are:
  - 1,000 feet from a public building, school, church, public park, and hospital
  - 1,000 feet from a residence owned by a person that does not have a mineral interest in the permit application
  - 500 feet from a residence owned by a person that has a mineral interest in the permit application
  - 500 feet from property line, road, human occupied building, floodplain, environmentally sensitive areas, and storage tank
- Variances are not allowed for a reduction of a setback less than 500 feet from religious institutions, schools, or public buildings, and residences owned by a person that does not have a mineral interest. Variances are not allowed for a reduction of a setback less than 300 feet from a residence owned by person that has mineral interest in the application.
- Development within the 100-year floodplain is strictly prohibited unless with Oil and Gas Board of Appeals and Town Council approval.
- A recent newspaper article highlighted the strength of Flower Mound's Oil and Gas Well regulations when compared to the ordinances of other local municipalities.