

Informal Report to Mayor and Council



Gas Well Setbacks

City Council Meeting Date: 2-23-2021

ISSUE

Provide stakeholder feedback related to the proposed revision in the way setback from gas well drill zone is measured to a daycare.

DISCUSSION

Prior Actions:

On October 19, 2020, City staff emailed Council a document (attachment i) with a timeline of all amendments related to gas well setbacks and process changes, including the establishment of drill zones and administrative approval of gas well permits.

At the December 1, 2020, Council Afternoon Session, Councilmember Sutton requested a future agenda item related to gas well setback requirements in proximity to non-residential uses, specifically a daycare establishment.

At the December 15, 2020, Council Afternoon Session, Staff presented an informal staff report which provided detailed information related to how gas well setbacks are currently measured from a daycare. Council discussed this item and tasked the Municipal Policy Committee to further review the matter and to present full Council with a recommendation.

At the January 12, 2021, Municipal Policy Committee meeting, Staff provided more information on this matter. The Committee requested staff to provide other cities comparison on the setback regulations. Additionally, the Committee wanted to find out how many of the 34 drill sites in Arlington, without an approved Drill Zone, are in close proximity to existing daycares.

On January 26, 2021, Staff provided the following requested information to the Municipal Policy Committee:

- o Of the 21 cities in Texas that were compared, only four of them included a daycare center as a protected use, and only one of them measured the setback distance to the property line of the daycare use.
- o Of the 34 drill sites that do not have an approved Drill Zone (established with a SUP), only three sites have a daycare center nearby: AC360, Galletta, and Agape.

Currently, a minimum of 600 feet measured from the drill zone to the primary structure of the day care establishment (and not the playground or property line) is required for any new gas wells, unless Council has already approved a Drill Zone or approves a new Drill Zone with a reduced setback of no less than 300 feet.

The Committee made a recommendation [to consider a revision to the required setback from a gas well drilling zone to be measured to the property line of the daycare use, rather than the daycare structure.](#)

The Committee also asked Staff to obtain the Gas Well Operators' feedback on this item.

Stakeholder Feedback:

On February 8, 2021, Staff met with the Gas Well Operators and Texas Oil and Gas Association leaders to discuss the proposed revision. The following are responses to the suggestions/comments received from the stakeholder group:

1. Define Day Care in the Gas Well Drilling & Production ordinance.
Day Care. A facility licensed by the state and the city that provides care, training, education, custody, treatment or supervision for more than six children under 14 years of age, and for less than 24 hours per day, with a city-issued Certificate of Occupancy.
2. The group was concerned that two existing well sites (Galletta and Agape) would not have the ability to even apply for a Specific Use Permit (SUP) for a Drill Zone, if the measurement was considered to the property line. See attachment.

Following language for the proposed amendment is an attempt at meeting Council's intent to protect children in playground as well as allowing the gas well operator the opportunity to apply for SUP:

Section 7.01. B. 1. External Setbacks

- a. It shall be unlawful to drill any well *outside a drilling zone approved by the City Council* that, at the surface of the ground, is located within six hundred (600) feet from a park or within six hundred (600) feet from a protected use* for which a building permit has been issued on or before the date of the application for a drilling permit. The distance shall be calculated from the boundary of the drilling zone*, in a straight line, without regard to intervening structures or objects, to:
 - (i) the boundary of the public park;
 - (ii) *the primary structure of a daycare or the boundary of the area designated by the daycare for use as a playground, whichever is closest; and*
 - (iii) the primary structure of all other protected uses.
- (1) This setback distance may be reduced by the City Council to not less than three hundred (300) feet upon the affirmative vote of not less than a super-majority of seven (7) members of the City Council. Petitions in support or opposition to the setback distance reduction must be submitted to the City at least one (1) business day prior to the date of the City Council public hearing. In the event the public hearing is continued, additional petitions may be submitted until one (1) business day prior to the date at which the hearing is continued.

[*Protected Use. A residence, religious institution, hospital building, medical and dental office, nursing home, personal care facility, supervised living facility, public or private school, day care, or public park.

Drilling Zone. The area contained within the smallest single circle or polygon that encloses the outside dimensions of all the wells on the drill site.]

3. If the intent is to protect children, then establish a reciprocal setback regulation for all new Certificate of Occupancy for daycare centers.
 - *Require a minimum setback of 300 feet, measured from the primary structure or the boundary of the area designated by the daycare for use as a playground, whichever is closest to an existing drill zone (either established through SUP, or as*

an imaginary smallest possible polygon encompassing all approved wells on the well site).

Please note: All daycare centers are required to submit plans showing the location of proposed playground areas when applying for a Certificate of Occupancy. City staff will record the permitted location for daycare playgrounds in much the same way that it currently records permitted gas well drill zones. City staff will measure the distance from any nearby gas well drill zones and determine if either the structure or the playground is proposed within 300 feet of an existing drill zone.

The industry also expressed concern that City Council may expand this amendment to other protected uses.

ACTION

Staff is seeking direction on the proposed amendments, listed as items 1, 2, and 3 above, and will proceed as directed by Mayor and City Council.

ADDITIONAL INFORMATION

Attached:	Galletta and Agape Sites, and their distances from daycare
Under separate cover:	None
Available in the City Secretary's Office:	None

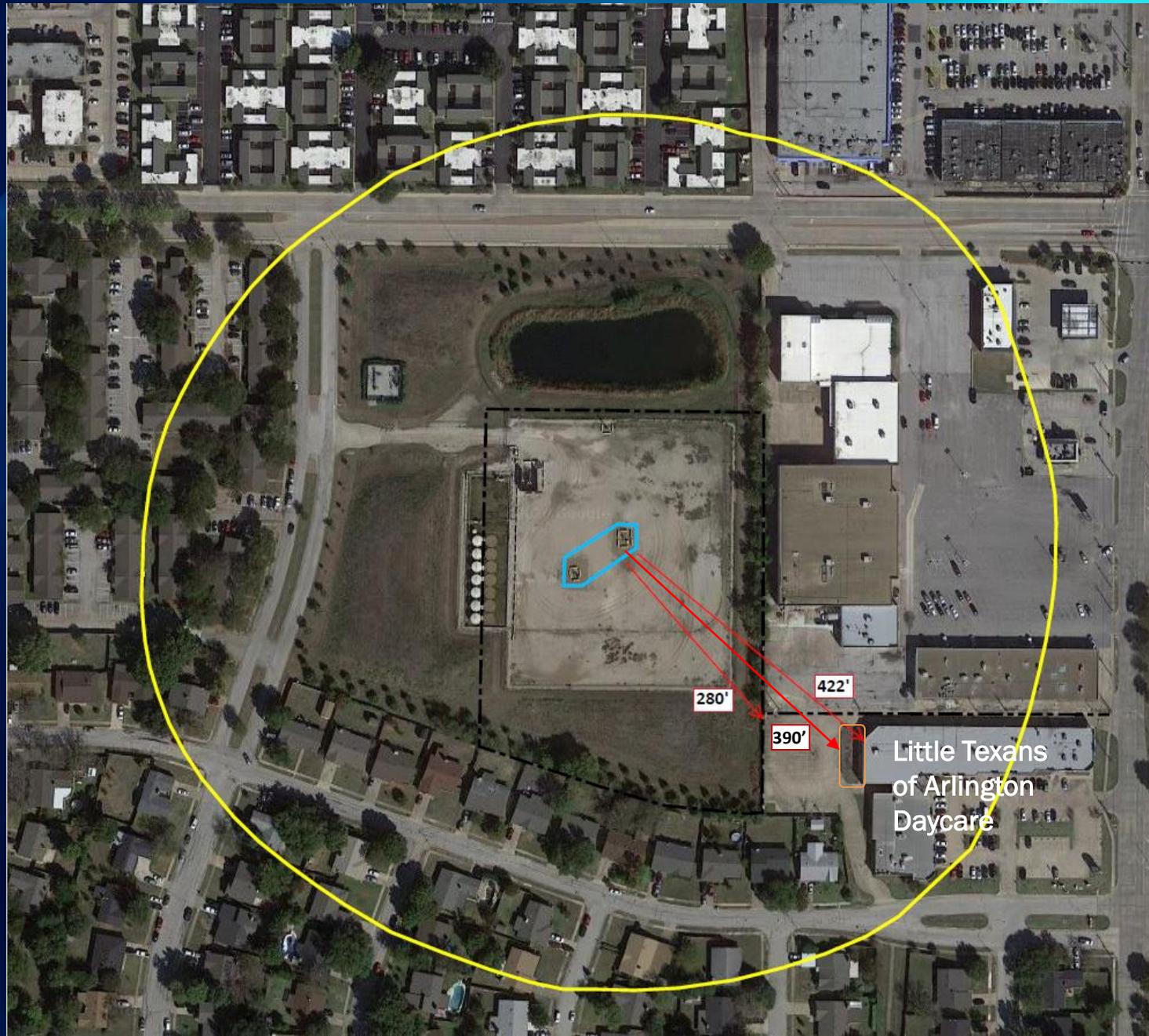
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GALLETTA

Assumed Drill Zone

- Approximately 422 feet from daycare building
- Approximately 390 feet from the boundary of the closest designated playground for the daycare
- Approximately 280 feet from property line of the shopping center that includes a daycare



AGAPE

Assumed Drill Zone

- Approximately 655 feet from the boundary of the designated playground for the daycare
- Approximately 428 feet from daycare building
- Approximately 241 feet from property line of the daycare

