

GENERAL INFORMATION REGARDING SETBACKS & EASEMENTS

The information below includes general information regarding setback and easements for building within Lincoln County, Wyoming. The information contained is not all inclusive. Additional information can be viewed in the Land Use Regulations. Any questions, please contact the Office of Planning and Development (Planning Office).

Setbacks

Lincoln County, Wyoming Land Use Regulations define Setback Area as the *Distance between the foundation of a structure and property line, road right-of-way, or constructed road, whichever is less* (see Chapter 7 Land Use Definitions).

Chapter 6 Section 20 of the Land Use Regulations for Setbacks:

- A. Any development within County rights-of-way or road easements, except by an approved county road license, is not allowed and shall be removed by the property owner immediately upon discovery.
- B. Setback standards for all permits are as follows:
 - 1. Side and Rear Setback. A minimum of ten (10) feet from the property line.
 - 2. Front Setback, as measured from lot line or right-of-way, whichever is more restrictive:
 - a. Fifteen (15) feet to front of building without parking area;
 - b. Twenty (20) feet to front of building with parking area.
 - 3. Building Setback to U. S. Highway 89 right-of-way shall be a minimum of fifty (50) feet. If topographic or other site conditions require a relief of setback, then the variance procedure shall be followed.
 - 4. Commercial structures shall have a minimum set back from all lot lines of 1.5' per 1' building height unless two hour fire walls are constructed.
- C. Alterations of Front, Side and Rear Setbacks for all permits. When the following condition is met, the Administrator may approve a variance of setback without following all of the Variance Procedures outlined in Chapter 3:

The adjoining property holder(s) being affected shall give written authorization to the applicant, indicating the proposed development is acceptable to them.

Setbacks are required specifically for safety, legal and aesthetic reasons. They provide a buffer that is meant to prevent encroachments over property lines, safety from possible traffic accidents flying into your property, snow removal, buffers from other land uses such as industrial and commercial, and incidentally provide open area around your structures. Setbacks establish the permitted location of structures and other improvements on a site. The Residential Use Building permit is a contract that you will put your structures where your site plan indicates. Inside these setback lines is referred to as the build-able area, development area and/or building envelope. A build-able area is the space created by the designated setbacks and height restrictions. It can be considered the specific area free from easements, property lines and other restrictions on where you can situate your structure on your property. The entire structure must fit within the build-able area, and all structures whether primary or accessory must be within the build-able area. It is important to note that a build-able area may be designated on your lot if it falls within a platted subdivision and may differ in size from the designated setbacks.

Easements

Lincoln County Land Use Regulations define Easement as *Authorization by a property owner for the use of, by another, and for a specified purpose, any designated part of his/her property* (see Chapter 7 Land Use Definitions).

Chapter 6, Section 21: IRRIGATION FACILITIES AND SURFACE WATER

Development shall have a minimum setback of 150 horizontal feet from the bank high-water line of Salt River in the 100 year floodplain. Other development shall have a minimum setback of 50 horizontal feet from the bank high-water line of streams and rivers.

1. Streams and rivers shall include, but are not limited to, the following waterways:

Bear River, Black's Fork, Coal Creek, Corral Creek, Cottonwood Creek, Crow Creek, Dry Creek, Flat Creek, Fontenelle Creek, Green River, Grey's River, Ham's Fork, LaBarge Creek, Pine Creek, Pole Creek, Salt River, Smith's Fork, Spring Creek, Strawberry Creek, Stump Creek, and Swift Creek

2. Development shall have a minimum setback from irrigation facilities. For canals and ditches, the easement is measured from the average high-waterline. In the event that an easement of record exists, the more restrictive setback shall be used. The area of the setback shall be determined by the type of facility: (ALL PERMITS)
 - a. Canals shall have a fifty (50) foot setback on the down-slope side and a twenty (20) foot setback on the up-slope side.

- b. Ditches shall have a twenty (20) foot setback on both sides.
- c. Pipelines shall have a ten (10) foot setback on both sides of the centerline.
- d. Other structures shall have a reasonable setback for operation and maintenance.

Easements can be defined as a limited right to make use of another's property. Easements can be agreements between different entities and commonly grant access to another's property to allow utility lines above and below ground, waterway easements for ditches and canals, and transportation easements for roads, bike paths or trails. Structures are not allowed in easements because maintenance like road grading, digging up the utility line, or cleaning ditches is often required. Do not build your structure into an easement! Although your plat may not indicate any easements in your lot, it is always good practice to double check with local utility companies, the *exceptions* page in your Title Commitment, deed restrictions, or other documents filed with the County Clerk. Be aware of evidence that may point to an existing easement such as roads accessing

Locating setbacks and easements. The only person that can make a legal determination of property setbacks and easements is a Professional Land Surveyor. Lincoln County Land Use Regulations require your buildings be within the setback requirements; however, they do not require that your property corners or setbacks be located by a Professional Land Surveyor. However if you have doubts as to where your corners are at, it is highly recommended you seek the services of a Professional Land Surveyor.