

San Juan County Voluntary Stewardship Program - VSP and San Juan County Code Guidance Document

Disclaimer: This document was developed by the San Juan County VSP Work Group with support from San Juan County. This document should be used as a guide but not an authority on county code regulations. Please always check with the SJC Department of Community Development for all regulatory purposes.

Background

The State of Washington adopted [RCW 36.70A.700](#) in July 2011, establishing the Voluntary Stewardship Program (VSP). This statute seeks to protect and enhance critical areas values and function while maintaining and improving the long-term viability of agriculture using voluntary, science-based Best Management Practices on agriculturally active lands with critical areas. The Washington State Conservation Commission ([WSCC](#)) is supervising statewide VSP implementation.

A voluntary approach supporting agriculture and natural resources

- Prior to 2011, the main tool for protecting critical areas was regulation.
- Regulation of agricultural landowners can threaten farm viability and lead to legal battles.
- VSP was created in 2011 to give counties the option to use locally driven watershed plans and voluntary, incentive-based tools to protect critical areas.

VSP in San Juan County

San Juan County opted into VSP on November 29, 2011. Twenty-six other counties throughout Washington also opted into the program. SJC Council established and convened the VSP Work Group on January 27, 2016. The VSP Work Group is comprised of volunteers, appointed by SJC Council, who are considered key stakeholders in agricultural and watershed area protection throughout the county. In 2017 the VSP Work Group developed the SJC VSP Work Plan, which established an implementation framework. The Work Plan was approved on January 16, 2018, and the San Juan Islands Conservation District was contracted to execute the Work Plan as the Technical Service Provider. The first biennial contract was effective November 2019 – June 2021. A renewed biennial contract was put into effect from July 2021 – June 2023.

Focus on Critical Areas within Agricultural Lands

With the adoption of VSP, San Juan County no longer applies Critical Areas Ordinance regulations to lands that:

- contain critical areas, **AND**
- have agricultural activities ongoing.

However, all other regulations, including building codes, land use and zoning designations, and state and federal clean water laws still apply to lands with agricultural activities. All non-agricultural lands are subject to San Juan County's [Critical Areas Ordinance \(CAO\)](#).

What qualifies as “Agricultural Activities?”

“Agricultural activities” are defined in RCW 36.70A.703 (1) and have the same definition as set out in the Shorelines Management Act (SMA - RCW 90.58.065 (2) (a)):

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

Certain terms in the definition of agricultural activities (agricultural products, agricultural equipment, and agricultural land) are further defined in the SMA (RCW 90.58.065 (2) (b), (c) and (d)):

(b) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

(i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;

(ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(iii) farm residences and associated equipment, lands, and facilities; and

(iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted.

Anything not included in the above definition is subject to regulation under the county CAO and any other applicable regulation (e.g., developmental regulations, environmental regulations, etc.).

Please note: San Juan County has exempted agricultural structures from VSP, and agricultural structures are subject to the same provisions as other structures, including appropriate setbacks from FWHCA and Wetlands (see San Juan County Code [Table 18.35.100-4](#) and [Table 18.35.130-3](#)).

What about new agricultural activities?

For VSP counties, existing and ongoing agricultural activities (as defined in RCW 36.70A.703 (1)) fall under VSP. Any “new” agricultural activities as described and clarified in the bulleted list below are initially covered by the county CAO. Once the “new” agricultural activity is installed, it is considered an existing and ongoing agricultural activity (for example, the farm is designated as Current Use Farm and Agricultural in the Open Space tax program, or otherwise recognized as agriculture by the definition) and would then be governed by VSP.

“New” agricultural activities are

- Activities that have not been conducted before, and
- Are proposed to take place on land not previously used for agriculture.

“New” agricultural activities are NOT

- Existing and ongoing agricultural activities on agriculture land,
- Changes in agricultural activity on agricultural land (for example, changing from one crop to another).

For additional detail on the definition of “new agriculture” see Voluntary Stewardship Program – Statewide Advisory Committee and Conservation Commission – [Policy Advisory #06-21](#): The Voluntary Stewardship Program and “New” Agricultural Activities, April 2021.

For more information or to enroll your land in the Voluntary Stewardship Program, visit <https://www.sanjuanislandscd.org/vsp>.

For more information on county code, visit <https://sanjuanco.com> and click the county code button to access a searchable version. For definitive interpretation of county code consult appropriate county staff.