

Acquiring Lands Enrolled in a Farmland Preservation Agreement

Wisconsin's Farmland Preservation Program

Preserve farmland. Protect the environment. Grow the economy.



What is a farmland preservation agreement?

Farmland preservation agreements are an option for landowners in Agricultural Enterprise Areas (AEAs) to participate in the Farmland Preservation Program. These are voluntary agreements between eligible landowners and the state to preserve agricultural lands and protect soil and water resources. Agreements signed before December 8, 2023 are subject to a 15-year minimum or longer term and those signed on or after December 8, 2023 are subject to a 10-year minimum or longer term. Landowners with an agreement may be eligible to claim the farmland preservation tax credit.

What are the requirements of a farmland preservation agreement?

Lands enrolled an agreement are committed to the following uses:

- Agricultural uses including crop production (traditional and specialty), keeping livestock, plant and tree nurseries, sod production, beekeeping, aquaculture, fur farming, forest management, and lands in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment programs such as CREP, CSP, and EQIP.
- Accessory uses including farm buildings and structures, farm residences, and businesses integral or incidental to agricultural use.
- Undeveloped natural resources and open spaces.

Additionally, the landowner must meet soil and water conservation standards on all lands under common ownership, including lands not covered by the agreement, for the duration of the agreement. This includes all operated lands, unless those lands are owned by a different person, ownership structure, or ownership entity.

How can I determine if the land I am interested in buying is enrolled in a farmland preservation agreement?

Farmland preservation agreements are recorded with the county's register of deeds. If the property you are interested in is enrolled in an agreement, the agreement will come up in a title search.

Where can I find a copy of the agreement?

A title search should produce a copy of the farmland preservation agreement if there is one on the property. If you are unable to locate a copy of the agreement, you can contact the Farmland Preservation team.

Where can I find more information?

For additional resources or information about Wisconsin's Farmland Preservation Program, visit <http://farmlandpreservation.wi.gov>. If you have questions, please call (608) 224-4611 or email us at datcpworkinglands@wisconsin.gov.

Will this agreement transfer to me if I purchase the property?

A recorded farmland preservation agreement will transfer to a new owner upon sale or transfer of the property. The new landowner will be responsible for maintaining the terms of the agreement for the duration of the agreement. The new landowner may also be eligible to claim the farmland preservation tax credit the year they purchase the property if they meet all Wisconsin Department of Revenue (DOR) eligibility criteria.

What are the benefits of a farmland preservation agreement?

Agreement holders that continue to maintain soil and water conservation standards and additional eligibility requirements may claim the farmland preservation tax credit at either **\$10/acre** for lands within an AEA or **\$12.50/acre** for lands within a certified farmland preservation zoning district **and** an AEA. This is a flat, per-acre refundable income tax credit that is only available to those with a farmland preservation agreement and/or in a certified farmland preservation zoning district.

How can I remove land that is enrolled in a farmland preservation agreement?

A landowner may release lands enrolled in a farmland preservation agreement prior to the natural expiration of the agreement. A release of land from an agreement is subject to a conversion fee. The conversion fee is equal to three times the per acre value (for the year in which the land is released) of the highest value category of tillable cropland in the city, village, or town in which the land is located in, as specified by DOR in the annually published document titled "Use Value Guidelines for Agricultural Assessment". On average, the per acre fee is between \$600-\$1,200, but the fee may vary depending on where the farmland is located and the year it is released.

If you are interested in discussing a release of land from an agreement, please contact the Farmland Preservation team.

What if I do want to develop my lands enrolled in an agreement?

Lands that are developed for any purpose other than agricultural, agricultural accessory, or undeveloped/open natural spaces are not allowed in an agreement. Lands purchased for development out of one of these land uses must be released from the effective agreement prior to beginning any construction activities that would materially violate the agreement.



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management | Bureau of Land and Water Resources

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