



Senate Office of Policy and Legislative Analysis

204 Coverdell Legislative Office Building
18 Capitol Square SW
Atlanta, Georgia 30334

Hayley Williams
Director
(404) 656-0015

FINAL REPORT OF THE SENATE STUDY COMMITTEE ON THE PRESERVATION OF GEORGIA'S FARMLANDS (SR 470)

Committee Members

Senator Billy Hickman, Chairman
District 4

Senator Jason Anavitarte
District 31

Senator Brandon Beach
District 21

Senator Jason Esteves
District 6

Senator Russ Goodman
District 8

Senator Freddie Powell Sims
District 12

Senator Sam Watson
District 11

TABLE OF CONTENTS

STUDY COMMITTEE CREATION, FOCUS, AND DUTIES	3
SUMMARY OF TESTIMONY AND DISCUSSION	4
MEETING ONE	4
MEETING TWO.....	6
MEETING THREE.....	9
MEETING FOUR.....	14
MEETING FIVE	19
FINDINGS AND RECOMMENDATIONS	20

STUDY COMMITTEE CREATION, FOCUS, AND DUTIES

The Senate Study Committee on the Preservation of Georgia’s Farmlands was created by Senate Resolution 470 during the 2024 Legislative Session of the Georgia General Assembly.¹ The Study Committee was tasked with evaluating farmland protection measures implemented in other agricultural states and seeking the advice of experts in agricultural economics, tax policy, land management, economic development, environmental law and policy, and other disciplines in considering additional measures that may be necessary and appropriate for Georgia.

Senator Billy Hickman of the 4th served as Chair of the Study Committee. The other Senate members were Senator Jason Anavitarte of the 31st, Senator Brandon Beach of the 21st, Senator Jason Esteves of the 6th, Senator Russ Goodman of the 8th, Senator Freddie Powell Sims of the 12th, and Senator Sam Watson of the 11th.

The following legislative staff members were assigned to the Study Committee: Sydney Horowitz, Senate Press Office; Paige McKenna, Legislative Assistant; Nathan Corbitt, Senate Office of Policy and Legislative Analysis; and Paul Higbee, Office of Legislative Counsel.

¹ S.R. 470, 157th Gen. Assemb., Reg. Sess. (Ga. 2024), <https://www.legis.ga.gov/legislation/66252>.

SUMMARY OF TESTIMONY AND DISCUSSION

MEETING ONE

Date: July 30, 2024 (Meeting 1)

Location: Georgia Southern University Center for Continuing Education, Statesboro, Georgia

Topic: Introductory Meeting

Committee Members Present

Chair: B. Hickman

Senators: F. Powell Sims, R. Goodman, S. Watson, B. Beach, J. Anavitarte, J. Esteves (via Zoom)

Others: Sen. M. Burns, Commissioner Tyler Harper, Rep. L. Franklin, Rep. B. Werkheiser

Speakers & Presentations

Name/Agency	Topic(s)	Visual?
Dr. Kyle Marrero/President of Georgia Southern University	Dr. Marrero welcomed the Committee and highlighted Georgia Southern University's research and contributions to environmental sustainability.	N
Katherine Moore/President of the Georgia Conservancy	Ms. Moore presented on depletion of Georgia's farmland as visible upon an analysis of Georgia's landcover over a 50-year period.	Y - PPT
Dr. Asli Aslan/Director of Georgia Southern University's Institute for Water and Health	Dr. Aslan presented on the work of the Georgia Southern Institute for Water and Health, including on the Safe Water Together Program. Additional topics: sustainable water management; and efficient treatment of water.	Y – PPT
Heidi Jeffers/Director of the Georgia Grown Innovation Center; Director of Economic Development for the City of Metter	Ms. Jeffers presented on the work of the Georgia Grown Innovation Center, which fosters growth and success of agricultural producers, including opportunities for increased agritourism.	Y-PPT
Bill Worthington/Agribusiness Teacher at Ogeechee Technical College	Mr. Worthington presented on teaching agribusiness and statistics on agricultural production and farmers.	Y-PPT
Tyler Harper/Agriculture Commissioner, Georgia Department of Agriculture	Commissioner Harper presented on agriculture's place in Georgia as the number one state industry; issues facing Georgia agriculture; pursuing agricultural policy and farm policy that makes sense; and legislative highlights to protect Georgia agricultural land.	Y-PPT

Summary of Testimony

1. Georgia Southern University (Dr. Kyle Marrero)

Dr. Kyle Marrero, President of Georgia Southern University, welcomed the Committee and highlighted Georgia Southern University's dedication to agricultural education and research. He emphasized the University's willingness to serve as an active partner in the effort to preserve Georgia's farmlands.

2. Georgia Conservancy (Katherine Moore)

Ms. Katherine Moore, President of the Georgia Conservancy, presented on depletion of Georgia's farmland using approximately fifty years of satellite imagery and GIS analysis. Developed landcover (which includes uses ranging from developed open space to high intensity development) has changed during the period from

1974 and 2021. During this period, developed landcover has grown by 2.9 million acres. Approximately 2.6 million acres of agricultural land was permanently lost and converted to some other land use. Low intensity development is driving this land cover change and the vast majority of this low intensity development is residential. A thoughtful approach to housing Georgia's growing population is essential to land conservation.

Landcover change is not in sync with population growth in certain communities. This leads one to wonder, Ms. Moore stated, as to the efficiency of the development within that community. Additionally, unchecked landcover change threatens Georgia's top industries.

Ms. Moore shared decision-making targets for the Committee's consideration: Focus 1) Identify highest-priority natural resources and find the will to protect them; Focus 2) Every community has shaped our landscape consumption patterns, so every community, no matter its size, can influence our state's future landscape; and Focus 3) Can we curb the proliferation of low intensity development?

3. Georgia Southern University Institute for Water and Health (Dr. Asli Aslan)

Dr. Asli Aslan, Director of Georgia Southern University's Institute for Water and Health, presented on the work of the Institute. One program of the Institute is the Safe Water Together Program. Within that program, the Institute for Water and Health collects data on local water usage and quality. Dr. Aslan's team identifies sources of water pollution, sometimes within two hours of the testing. She and her team work with local governments to cure any pollution which they identify. The Institute advocates for nature-based cost-effective water treatment (such as algal turf scrubbers) to improve water quality. She and her team would like to increasingly apply their work and findings to the benefit of farmers and farmland preservation by working with irrigation ponds and wells on farmland.

4. Georgia Grown Innovation Center (Heidi Jeffers)

Ms. Heidi Jeffers, Director of the Georgia Grown Innovation Center, discussed the work of the Center and commitment to fostering the growth and success of agricultural producers. The Georgia Grown Innovation Center collaborates with those the Center serves by creating diverse partnerships, providing state-wide service, technical assistance, educational workshops, community engagement, and encouraging future-ready agriculture. This may include connecting those interested in opportunities for agritourism with the Georgia Department of Agriculture.

Grant Anderson, whose farm works with the Georgia Grown Innovation Center, also addressed the Committee. Mr. Anderson is the Founder and Operations Manager of Better Fresh Farms. He discussed some of the challenges of the industry and his belief that controlled environment agriculture could be beneficial in the effort to preserve Georgia's farmland.

5. Ogeechee Technical College (Bill Worthington)

Mr. Bill Worthington, an instructor at Ogeechee Technical College, described his methods of instruction and resources he uses in teaching agribusiness. He also emphasized that one in seven Georgians works in agriculture, forestry, or related fields.

6. Georgia Department of Agriculture (Commissioner Tyler Harper)

Commissioner Harper discussed agriculture's position as Georgia's number one industry and the role of the Department in protecting that industry. Almost 17% of Georgia's economy is tied to agriculture. However, Georgia's farmers and agriculture on the whole are facing issues including: the increasing average age of the Georgia farmer; national security; inflation; low commodity prices; mental health; declining retail dollar; and loss of viable agricultural land. Commissioner Harper reviewed the passage of the Georgia

Farmland Conservation Act and Senate Bill 420.² He mentioned that newly-created rules for the Georgia Farmland Conservation Fund should be available in the next few months.

The Commissioner recommends the following: encourage participation in conservation programs; incentivize agricultural use land for agricultural purposes only; ease tax burdens on Georgia producers; promote Georgia agriculture; and create smart growth and development plans and smart safety net farm programs.

MEETING TWO

Date: August 30, 2024 (Meeting 2)

Location: Habersham County EMC, Clarkesville, Georgia

Topic: Updates on the Georgia Farming Industry; Discussion on Conservation Use Valuation Assessment (CUVA) Program; Discussion on the Role of Local Governments in Development and Growth Planning

Committee Members Present

Chair: B. Hickman

Senators: S. Watson; R. Goodman; J. Anavitarte (via Zoom)

Others: Sen. B. Hatchett

Speakers & Presentations

Name/Agency	Topic(s)	Visual?
Billy Hickman/Senator from the 4th, Chairman	Introduction and discussion of the scope of the Study Committee	N
Bo Hatchett/Senator from the 50th	Invocation	N
Bryan Ferguson/President and CEO, Habersham EMC	Welcome	Y
Mike Giles/President, Georgia Poultry Federation	Update on Georgia farming industries (poultry)	Y - Video
Adam Belflower/Governmental Affairs Specialist, Georgia Farm Bureau	Update on Georgia farming industries and recommendations	N
Kenny Colson/Assistant Director of Tax Oversight, Local Government Services Division, Department of Revenue	Overview of the CUVA program	Y - PPT
Lee Hemmer/Private Citizen	Proposed CUVA reform on leased property	N
Bill Dover/Former Legislator	History of CUVA	N
Dave Wills/Executive Director, ACCG	Role of local governments in development and growth planning	N
Jim Thornton/Director of Governmental Relations, GMA	Role of local governments in development and growth planning	N

² The Georgia Farmland Conservation Act, S.B. 220, 157th Gen. Assemb., Reg. Sess. (Ga. 2023) <https://www.legis.ga.gov/legislation/64678>; O.C.G.A. § 44-10-40—47.

S.B. 420, 157th Gen. Assemb., Reg. Sess. (Ga. 2024), <https://www.legis.ga.gov/legislation/66460>; O.C.G.A. § 1-2-11; 2-1-7; and 44-17-1—7.

Summary of Testimony

1. Bo Hatchett, Senator from the 50th

Senator Hatchett welcomed the Committee on behalf of his district and emphasized the importance of the Committee's work.

2. Habersham EMC (Bryan Ferguson)

Mr. Bryan Ferguson, President of the hosting organization, Habersham EMC, welcomed the members of the Committee. He noted that the EMC serves its members across six counties of northeast Georgia. He shared a video which mentioned the services and innovations of the EMC. Afterwards, Mr. Ferguson highlighted that farming and specifically poultry, dairy, cattle, swine, fruits and vegetables are among the EMC's largest customer base.

3. Georgia Poultry Federation (Mike Giles)

Mr. Mike Giles, President of the Georgia Poultry Federation, provided a snapshot of the general economic conditions in the poultry industry in Georgia. There are around 3,200 small family poultry farms in Georgia. Farm owners normally live on the farm or nearby and provide most of the labor themselves. Approximately 72% of poultry production is in northern Georgia. Georgia is the leading broiler producing state in the nation. About 150,000 jobs in Georgia depend on poultry.

A processing plant will typically be the largest employer in the respective area and the largest rate payer with regards to local utilities. Poultry is very different from a "grown crop". There is no choice available to the poultry farmer as to what to grow. The Georgia industry experiences measurable, steady growth. Mr. Giles also discussed the impact of avian influenza and the consequential loss of exported poultry. However, the Georgia Poultry Federation's partnerships have assisted in dealing with this. Mr. Giles closed by stating that the future is bright for chicken production in Georgia and that the financial viability of farms is critical to continuing this way of life.

4. Georgia Farm Bureau (Adam Belflower)

Mr. Adam Belflower, Governmental Affairs Specialist with Georgia Farm Bureau, discussed the challenges which Georgia farmers face, especially focusing on weather conditions. Another challenge to farmers is commodity prices: input costs are high with inflation rates and Congress is not currently providing the Farm Bill. He stated that he believes it is hard for the General Assembly to pass legislation to address these issues. However, the General Assembly has consistently created policies that promote agriculture and help the industry.

Mr. Belflower believes that certain policies, including land use, can be beneficial. The General Assembly should fund the Georgia Farmland Conservation Fund and allow farmers to benefit from this fund. Policies regarding the siting of major development projects should also be prioritized. Mr. Belflower also suggested that funding and appointment be provided to UGA Extension Service for a hay specialist for north Georgia.

Finally, Mr. Belflower urged the General Assembly to consider removing the sunset on 2023 legislation relating to truck weights. Current legislation permits trucks carrying logging and farming commodities to exceed an 84,000-pound limitation. However, this provision will sunset on July 1, 2025 and the permitted gross vehicle weights will return to 84,000 pounds. He noted that "This is a great example of our producers being prioritized and put on an equal playing field with their surrounding states and competitors. I personally think it would be silly to give our producers an advantage and to bring them up to an equal playing field with our neighbors and neighboring states, and then two years later strip them of that privilege."

5. Georgia Department of Revenue (Kenny Colson)

Mr. Kenny Colson, Assistant Director of Tax Oversight, Georgia Department of Revenue's Local Government Services Division, provided an overview of Georgia's Conservation Use Valuation Assessment (CUVA) Program³. CUVA was passed in 1992. Under current law, a single property owner may place up to 2,000 acres of land under a protective covenant for a term of ten years. The owner then receives property tax benefits.

The primary purpose for such placement must be good faith production of agricultural or timber products. This may include subsistence farming. Buildings on the property that are connected to the farming or timber operation are to be included in the covenant. Residential home and relevant improvements are excluded. This program was instituted as a means of trying to help farmers devote their property to agricultural use, inhibit urban development, and save family farms.

Senator Watson asked Mr. Colson whether the current 2,000 acre maximum should be examined given the date when the original CUVA statute was passed and the fact that it has remained unchanged over that time, as "that's a small number in today's world and I feel like we are penalizing an individual who wants to own 2,000 acres of land. This Committee is about trying to preserve land and right now if you own more than 2,000 acres of land you are penalized." Mr. Colson responded saying "That's right. And we've seen legislation come, die out, and not make it. Absolutely."

6. Lee Hemmer (Private Citizen)

Mr. Hemmer discussed his experiences as a small farm owner who successfully applied for the CUVA covenant on his family farm. There are multiple houses located on his property. At the time when he last applied for CUVA on his land, the income from the rental of the houses "was throwing off the 80% Rule" of CUVA (80% or more of the gross income from a property under CUVA must be derived from bona fide conservation uses). In response, Mr. Hemmer had his land surveyed to remove the houses from the surveyed farm parcel. Once completed, with the houses separated from the farm parcel, Mr. Hemmer was able to qualify and benefit from CUVA.

Mr. Hemmer stated that the act of surveying and separating the houses from his overall farmland parcel was a very difficult task and cost around \$20,000.00. He recommends that the CUVA statute be examined and rewritten so that the current rental restrictions are removed.

7. Bill Dover (Former Legislator)

Mr. Dover is a former legislator who was the principal author of CUVA. Mr. Dover recounted his experiences at the time of CUVA's passing. He requested that the legislators not allow developer interests and selfish interests to infringe upon the concept of CUVA.

8. ACCG (Dave Wills)

Mr. Wills, the Executive Director of ACCG, discussed the role of local governments in development and growth planning. Mr. Wills described how some counties are relatively passive with regards to growth and other counties are actively trying to grow. Mr. Wills stated that the role of the Legislature, from his perspective, is "to make the tools available and let people make their own decisions while we try to work cooperatively to protect that thing that is so important to us, because every person in this state is dependent upon what grows in rural Georgia."

Mr. Wills noted that 74% of the population lives in the 71 counties north of the fault line and that this is where most of the growth in the state is taking place. More land is going from natural use to developed use and conversion from farmland to housing is especially visible. Mr. Wills also mentioned the possibility of

³ O.C.G.A. § 48-5-7.4

incentivizing redevelopment of existing properties, and particularly redevelopment infill where major infrastructure exists.

Mr. Wills stressed that zoning, as a local government matter, is one way that counties can slow development down and create development in a logical manner. He stated that he hopes these zoning powers will always remain at the local level because local officials know best about what is good for their community. He expressed his desire for increased coordination between cities and counties when development is discussed, where local city council members and county commissioners discuss what makes sense for their community.

Mr. Wills recommended the Legislature consider making some changes so that CUVA is more like the Forest Land Protection Act Program, so that the owner pays less tax.⁴ He recommended that the Committee and Legislature not act in a way to deprive local governments of revenue which they need to fund local services, so that tax rates do not increase or local government services decrease.

9. GMA (Jim Thornton)

Mr. Jim Thornton, Director of Governmental Relations for the Georgia Municipal Association, presented to the Committee. The Georgia Municipal Association represents all 536 cities in Georgia, and Mr. Thornton indicated that development along existing infrastructure patterns within Georgia cities would be of benefit to cities. This would also reduce the pressure for growth on the rest of the counties and the state.

While most farmland is located in unincorporated parts of counties and not located inside of cities, cities have significant existing assets. Roughly 9% of the total acreage of the state is located within cities, but in that 9% of the area one will find 44% of the population, 46% of the total assessed value of property, 47% of all housing units, 74% of all apartments and multifamily housing, and 69% of all jobs. Throughout his presentation Mr. Thornton emphasized that developing along existing infrastructure patterns would further farmland preservation.

Mr. Thornton provided a review of the existing comprehensive planning process in Georgia as created by the Comprehensive Planning Act.⁵ He emphasized that agricultural preservation is already part of this planning process. He also stated that HB 1407 (2024), the revisions to the Service Delivery Strategy Act, will bring cities and counties closer together and be helpful in allowing local officials to construct and enact a vision for planning.⁶

MEETING THREE

Date: September 25, 2024 (Meeting 3)

Location: Agricultural Expo Center, Moultrie, Georgia

Topic: Updates on the Georgia Farming Industry; Alternative Siting for Solar Farming; Local Perspective on Conservation Use Valuation Assessment (CUVA)

Committee Members Present

Chair: B. Hickman

Senators: S. Watson; R. Goodman; and J. Esteves (via Zoom)

Others: Sen. F. Ginn; Rep. C. Cannon

⁴ Georgia Forest Land Protection Act, O.C.G.A. § 48-5-7.7

⁵ O.C.G.A. §36-70-1—6.

⁶ H.B. 1407, 157th Gen. Assemb., Reg. Sess. (Ga. 2024), <https://www.legis.ga.gov/legislation/67454>. This bill amended the Georgia Service Delivery Strategy Act, O.C.G.A. § 36-70-20—28.

Speakers & Presentations

Name/Agency	Topic(s)	Visual?
Billy Hickman/Senator from the 4th	Welcome and introduction	N
Sam Watson/Senator from the 11th	Local welcome and invocation	N
Bill McIntosh/Mayor of the City of Moultrie	Welcome	N
Bryce Trotter/Executive Director of Georgia Milk Producers	Update on Georgia farming industries (milk producers)	N
Dale Sandlin/Executive Vice President of Georgia Cattlemen's Association	Update on Georgia farming industries (cattle producers)	N
Jim Cooley/Director of District Operations, Environmental Protection Division	Alternative siting for solar	Y - PPT
Rebecca Hardy/Retired Tax Assessor of Colquitt County and Heath Wetherington/CFO of Baker Farms	Community discussion of CUVA issues	N

Summary of Testimony

1. Billy Hickman (Chairman, Senator from the 4th)

Chairman Billy Hickman welcomed the Committee and the members of the public. He reviewed the importance of the preservation of farmland and that the greatest hindrance to agriculture is unplanned growth. The Chairman indicated that the goal of the Committee is obtaining information, with the hope of presenting bills in January which will help farmers and preserve farmland.

2. Sam Watson (Senator from the 11th)

Senator Watson provided a local welcome to the Committee and the public, as the Committee was meeting within his district. He mentioned the importance of the Committee's work, especially given the manner with which tax issues and business issues present challenges to farming and farmers' ownership of land. He echoed the Chairman's desire for balanced growth.

3. Bill McIntosh (Mayor, City of Moultrie)

Mayor McIntosh welcomed the Committee to the City of Moultrie. He described development within Moultrie and the area's loss of farmland over his lifetime. He indicated his belief that the work of the Committee is important both to the United States and the world.

4. Georgia Milk Producers (Bryce Trotter)

Bryce Trotter, Executive Director of Georgia Milk Producers (the trade association for Georgia dairy farmers) provided an industry update on Georgia dairy farming. Currently, the Georgia dairy industry has a GATE value of approximately 400 million dollars. He also noted that according to the International Dairy Foods Association, dairy is a 3.4-billion-dollar industry in Georgia when also considering factors such as retail and processing. Despite dairy farms consolidating within Georgia over time, the state has not seen a decrease in the number of cows.

While the number of dairy farms has decreased over a twenty-year period from approximately 450 to 75 farms, milk production has increased from approximately 30-40%. Mr. Trotter indicated that this is a result of the farmers' investment in their farms. Georgia public research institutions, like the University of Georgia, have also enabled this increase, through work in heat mitigation and structural and systematic

innovation. Georgia is one of the few states in the southeast which has actually seen milk production increase.

Future growth of the Georgia dairy industry, Mr. Trotter noted, will be driven by resources from research institutions, like the University of Georgia, and the farmers' addition of new technologies. Mr. Trotter closed by emphasizing the impact of the dairy industry on local economies in Georgia, citing a 2019 study from the University of Georgia's Department of Agricultural and Applied Economics which indicated that every milk cow in the State of Georgia can return \$12,600 annually to their local economy.

Senator Watson asked Mr. Trotter about the impact of ad valorem and property taxes on the Georgia dairy industry, such as farmers experiencing difficulties when attempting to consolidate their operations and partnering with individuals to whom they are not related. Mr. Trotter indicated that this is an issue and a big concern. Many "family farms" now work with other families and consolidate their operations. This has led to some issues with the farmers' eligibility for CUVA.

5. Georgia Cattlemen's Association (Dale Sandlin)

Dale Sandlin, Executive Vice President of the Georgia Cattlemen's Association, provided an industry update on Georgia cattle farming. Currently, Georgia has around 15,000 cattle producers managing around 1.1 million cattle. Mr. Sandlin indicated that the cattle industry may be the bright spot in Georgia agriculture with regards to prices. His organization expects positive pricing to continue through 2025 or 2026. However, high prices of cattle have been connected with a decrease in the number of cattle producers. Older cattle producers may take advantage of the higher prices and begin to retire. Mr. Sandlin indicated that these producers may then keep their land in agricultural production or lease their land to another producer.

The cattle industry provides flexibility to farmers as the farmer may easily divest themselves of their holdings. Some producers opt to sell directly to the consumer and process their cattle themselves. Small processing centers are being constructed throughout the state, but it remains difficult for processors to attract and retain labor. The Georgia Cattlemen's Association has been working with UGA, South Georgia Technical College, and Northeast Georgia Technical College to develop a curriculum to provide trained laborers and meet these industry needs.

Senator Watson asked how many forage specialists are present in the State of Georgia. Mr. Sandlin indicated that there are two and he believes that they serve a very important function. Senator Watson then asked if many cow pastures have been transitioned to solar farms. Mr. Sandlin responded that he has not seen many cow pastures transitioning to solar in Georgia, but he has witnessed this in his work with other states.

6. Environmental Protection Division (Jim Cooley)

Mr. Jim Cooley, Director of District Operations for the Georgia Environmental Protection Division, presented on alternatives to traditional solar siting. These alternatives to traditional solar siting (large scale solar) include rooftop solar; industrial parks; brownfields; closed landfills; reclaimed surface mines; closed or converted powerplants; and agrivoltaics.⁷

One of the challenges of large-scale construction in general is the magnitude of such projects. It is harder to control the stormwater and erosion that such projects generate. In areas where best management practices (BMPs) have not been designed, installed, or maintained in accordance with the permit, impacts are often magnified significantly due to the size of these projects. If these sites are not maintaining their BMPs properly, it is difficult to get that "gorilla foot back in the cage." Mr. Cooley indicated that the EPD

⁷ As Mr. Cooley later defined, agrivoltaics is the combination of solar farming and traditional farming.

has worked with the construction industry and the solar industry to develop new guidance for large scale development in general and solar in particular.

Rooftop solar is one alternative to traditional solar farms. The projects still provide for trees and housing to occupy the land. Pros of this option are that the owners can offset their power cost. However, not all insurance companies will cover this installation and not all houses are positioned for adequate sun exposure to allow for solar installation.

Rooftop canopy solar is another alternative to traditional solar siting. Rooftop canopy solar installations can be located within parking lots. Pros of this concept include availability for siting (25% of downtown Atlanta, for example, is dedicated to parking). In the case of rooftop canopies, the solar roofs can provide shade for vehicles while producing energy. They can also provide an extra revenue stream or offset power cost. The land has already been graded and the parking lots are already equipped to deal with stormwater runoff. Negatives of this option include the upfront cost and maintenance in general.

Installing solar in industrial parks provides possible revenue streams for the owners of empty or occupied industrial parks. Mr. Cooley mentioned the hypothetical installation of rooftop solar at the Hyundai Metaplant.

Brownfields, or areas of land that are otherwise unusable as they sit, offer another location for solar installation. These sites often have existing infrastructure and are close to the power grid. Solar installation is a passive use that would be permissible on many of these sites. There are extra incentives for this installation available through the federal Inflation Reduction Act.⁸ To date, Mr. Cooley's office has received 1,467 applications for brownfield sites.

Solar may also be installed over closed landfills. Pros of this option include the fact that landfills are required to be monitored and maintained for up to thirty years after they are closed. This could provide an alternative revenue source to supplement the cost of monitoring and maintenance of the closed landfill. Negatives of this option include upfront cost. Also, this option would have additional permitting requirements concerning traditional closure of a landfill.

Another option for solar siting is reclaimed surface mines. There are currently around 850 permitted surface mines in the state. Once a surface mine has reached the end of its useful life, it must be reclaimed. After the surface mines are reclaimed and filled, they could potentially become locations for solar panel installations. Some of these sites are particularly large.

Closed or converted coal power plants also offer a possibility for solar installations. Georgia Power is currently installing panels at Plant McIntosh in areas that were cleaned where coal combustion residuals were once stored. They are currently looking at other projects on similar power plants throughout the state. This is a beneficial reuse of the land, and the infrastructure is already in place to accommodate power production.

Mr. Cooley also discussed agrivoltaics, or the combination of solar farming and traditional farming. This is also known as dual use solar. At certain agrivoltaic solar installations, sheep may graze under the solar panels. Solar panels could be incorporated into the Georgia poultry industry, as the solar panels could be placed on the roofs of these buildings and help offset the costs of powering the chicken houses. Solar panels may also provide shade for plants and may help plants retain moisture. The plants may also help to cool the solar panels, which then causes the panels to run more efficiently.

⁸ Public Law No. 117-169, 136 Stat. 1818 (2022)

Senator Watson asked Mr. Cooley if everyone is required to obtain a permit through the EPD for solar projects. Mr. Cooley responded that any site in Georgia (including but not limited to solar) which disturbs one acre or more must obtain coverage under their construction stormwater permit. Staff in the district offices of the EPD perform compliance inspections on permitted construction sites (including solar sites) during the process of development.

Senator Watson asked Mr. Cooley whether the EPD has the number of total solar acres in the state that are installed and yet to be installed. Mr. Cooley said that he has tried to compile this number before, but that the current permit does not have a checkbox for solar. As such, data as to solar farms can be compiled if the name of the project identifies it as a solar project. However, there are a lot of facilities that do not have the word solar in the name of the project. Senator Watson expressed his interest in obtaining reliable data as to the number of acres of solar farms in Georgia, as the Committee had seen different numbers from different sources.

Senator Goodman asked if there really was no agency within the state that knows of the number of solar acres in Georgia and how many acres are being planned and implemented. Mr. Cooley indicated that there is not one of which he is aware, but that certain nonprofit groups, such as the Renewable Energy Wildlife Institute (REWI) had been attempting to collect such data.

Senator Ginn, who was present in the audience, then asked if bad actors during the solar installation process are being fined. Mr. Cooley indicated that is correct. Senator Ginn then asked how solar emissions compare with other types of electrical generation. Mr. Cooley indicated that for the most part solar power generation is clean.

Senator Watson asked if there are any state regulations or rules that prohibit or hinder any solar sites. Mr. Cooley indicated that there are none of which he is aware.

7. Rebecca Harding (Retired Tax Assessor of Colquitt County)

Ms. Harding provided the Committee with reflections on her experiences with Conservation Use Valuation Assessment (CUVA) from her thirty-seven years as Colquitt County Tax Assessor. She emphasized the potential benefits of re-examining parts of the existing CUVA statute, including the maximum number of acres which may be subject to CUVA and CUVA's restrictions with regards to entities such as LLCs.

When she began her work as tax assessor, Conservation Use Valuation Assessment had yet to be enacted. Ms. Harding noted that positive CUVA policy changes over the years include the ability to deed children up to five acres for their homesites; time period to remediate if a breach is created; lowering the cost of a penalty if a farmer has a solar section; and ability to lease land for a cell tower. She also emphasized the changes to farming over the years and the increased practice of farmers placing their farms under LLCs.

Reflecting on the potential benefits of modifying the CUVA statute, Ms. Harding stated that: "Unfortunately, the 2,000 acre limit today is just a little restrictive. And the farm entity issue is a little restrictive when you have multiple people farming together. My grandfather farmed with my dad, but it is different today. CUVA has been really good for our state, but I think that we might need to look at the fact that we are still operating on that 2,000 acre limit and farming entities have changed today compared with how they were in 1992 when that program started."

8. Heath Wetherington (CFO of Baker Farms)

Mr. Wetherington described his experiences with CUVA as a third-generation farmer. Collectively, he farms about 7,000 acres. He and his partners formed a partnership out of necessity especially due to the factors of economies of scale. Mr. Wetherington wanted to purchase land within an LLC, but because a farmer involved was not a family member, the arrangement would have been a violation of CUVA. Mr.

Wetherington indicated his belief that currently CUVA’s limitations on who someone may partner with are “tying someone’s hands behind their back.”

Senator Watson then shared that he hoped the Committee would recommend Representative Chas Cannon’s bill to reform CUVA for passage this session.

MEETING FOUR
Date: October 28, 2024 (Meeting 4)
Location: Polk County College and Career Academy, Cedartown, Georgia
Topic: Farmland Preservation Policy Recommendations; Comparative Analysis of State Preservation Policies

Committee Members Present

Chair: B. Hickman
Senators: B. Beach; R. Goodman; J. Anavitarte; and S. Watson (Via Zoom)
Others: N/A

Speakers & Presentations

Name/Agency	Topic(s)	Visual?
Billy Hickman/Senator from the 4th	Welcome and introduction	N
Jason Anavitarte/Senator from the 31st, Majority Caucus Chairman	Local welcome	N
Pastor Britt Madden	Invocation	N
Jessica Payton/Chair of the Cedartown City Commission	Local welcome	N
Will Bentley/President, Georgia Agribusiness Council	Georgia Agriculture: Honoring Our Past, Navigating the Present, and Securing the Future	Y-PPT
Katherine Moore/President, Georgia Conservancy	Georgia Now and Forever: Conservation Considerations for Georgia’s Farmlands	Y-PPT
Mallory O’Steen/Georgia Program Manager, American Farmland Trust	A Look at Farmland Protection Policy Opportunities in Georgia and Comparison Examples	Y-PPT

Summary of Testimony

1. Billy Hickman (Chairman, Senator from the 4th)

Chairman Hickman welcomed the Committee and the members of the public and indicated his appreciation of their attendance. The Chairman provided further background discussing the Committee’s previous meetings.

2. Jason Anavitarte (Senator from the 31st, Chairman of the Majority Caucus)

Senator Anavitarte provided a local welcome to the Committee and the public, as the Committee was meeting within his district. He mentioned the importance of the Committee’s work, especially given the tasks before farmers following Hurricane Helene.

3. Pastor Britt Madden

Pastor Madden welcomed the Committee to the City of Cedartown. He delivered the invocation.

4. Chairwoman Jessica Payton (Chair of the Cedartown City Commission)

Ms. Jessica Payton, Chair of the Cedartown City Commission, provided a local welcome to the Committee. She thanked the Committee for their dedication to the subject of farmland preservation.

5. Georgia Agribusiness Council (Will Bentley)

Will Bentley, President of the Georgia Agribusiness Council, presented to the Committee. He emphasized Georgia's agricultural industry is a massive economic force. For rural counties, he stated, agriculture is essential. In 120 of Georgia's 159 counties, agriculture and forestry are lifelines as well as industries. One in every seven Georgian jobs is tied to agriculture and forestry. In some rural counties, more than one in four jobs are connected to this sector.

Mr. Bentley also touched on the destruction of Hurricane Helene, with \$6.46 billion in economic damage to agribusiness and \$1.8 billion in direct farm loss. Mr. Bentley indicated concern that Georgia's fruit and vegetable crop loss might be compounded by potential fruit and vegetable market loss to other countries and other competitors in a consumer shift towards available produce.

Quoting Margaret Mitchell, Mr. Bentley reminded the Committee and the assembled that "land is the only thing in the world worth working for, worth fighting for, worth dying for, because it's the only thing that lasts." In an attempt to preserve farmland and make their farms more viable, Mr. Bentley indicated that farmers have shifted from smaller family farms to larger farms.

Farm security is important, Mr. Bentley noted, because "food security is national security." He further indicated that today's farmers face unprecedented challenges, including rising input costs, low commodity prices, and fierce foreign competition.

Mr. Bentley's recommendations include:

- Increase CUVA Acreage Limits: CUVA, or Conservation Use Value Assessment, currently allows certain agricultural lands to be assessed at their agricultural value rather than at potential market value. Increasing acreage limits could incentivize more landowners to preserve their lands;
- Expand CUVA Access to Non-Family LLCs: Allowing non-family LLCs access to CUVA benefits could open doors for more agricultural landowners to receive tax incentives, preserving their land instead of selling it for development;
- Exempt Disaster Payments from State Income Taxes: By exempting disaster relief payments from state income taxes, we can help farmers recover from losses and continue to contribute to Georgia's food supply;
- Invest in Agricultural Innovation: Increasing state funding for agricultural research and innovation can ensure Georgia's farmers have the tools they need to remain competitive;
- Constitutional Amendment on the Gratuities Clause: Amending the gratuities clause would allow Georgia to provide disaster payments directly to farmers, helping them through economic hardships that might otherwise force them off the land;
- Supporting New Farmers and Increasing Land Access: We must make it easier for the next generation of farmers to access land and establish viable operations;
- Incorporating Agriculture into State and Local Planning: State and local governments plan extensively for transportation, housing, and other essential services. Yet, agricultural planning is often overlooked. A dedicated plan to support agricultural economic development, retain farmland, and ensure sustainability will help us meet both current and future food security needs;
- Prioritizing Protection of High-Value Farmland: Certain lands are especially well-suited for agricultural production and environmental health. Identifying and prioritizing these lands for protection safeguards both the quantity and quality of our agricultural resources;
- Funding Farmland Preservation Fund: Purchase of Agricultural Conservation Easement Programs (PACE) offers landowners financial incentives to voluntarily restrict land development. These

easements preserve the land for agricultural use, helping to stabilize rural economies while maintaining open spaces that contribute to biodiversity and carbon sequestration;

- Should Private Equity Groups Own Georgia Ag Land? Last year, the General Assembly addressed foreign ownership of farmland in Georgia. Another major concern is private equity ownership of farms, who their investors are, and what are their long-term plans for that land;
- Tort Reform

6. The Georgia Conservancy (Katherine Moore)

Katherine Moore, President of the Georgia Conservancy, presented on conservation considerations for Georgia's Farmlands. The Georgia Conservancy partnered with Georgia Tech to produce a GIS analysis of landcover change in Georgia from 1974 to 2021. Many aspects of her presentation focused on analysis of this landcover change considering: what has changed in Georgia; where has it changed; and why has it changed.

Ms. Moore presented seven requirements currently placed on land in Georgia. The requirements on Georgia land include: 1) house new residents; 2) steward our natural resources; 3) grow our economy; 4) build new infrastructure; 5) provide food for our population; 6) protect habitat and wildlife resources; and 7) improve quality of life. Ms. Moore then presented a graphic from the Governor's Office of Planning and Budget depicting anticipated population change from 2023-2050. She requested that the Committee reflect upon how the counties in Georgia will provide these seven requirements in the face of the anticipated population expansion.

Over the last fifty years, Georgia's communities have developed land quickly and broadly. Since 1974, Georgia's developed landcover grew by approximately 2.9 million acres. Most of this development was low-density in character. That total acreage is more than the combined size of the state of Delaware and Rhode Island. About 10% of Georgia's land is conserved, lower than Florida and North Carolina. Private conservation plays a significant role in the state.

Ms. Moore emphasized that smaller urban centers in the southern portions of the state have grown dramatically, with fragmentation of the land outside of these communities. This begs the question "Are we doing enough for land preservation?" Unchecked landcover change threatens our top industries, including forestry and agriculture. Croplands and pastures, which support Georgia's \$70 billion agricultural industry, are at risk of conversion. Since 1974, 2.6 million acres of agricultural land (pasture/hay/crop land) have been converted to another landcover. The expansion of low-density residential development is one of agricultural land's biggest threats. This is alarming as we are putting pavement over some of Georgia's most productive agricultural soils.

In response to data analysis, the Georgia Conservancy notes three goals: Goal 1: identify highest-priority lands and find funding and programs to protect them; Goal 2: curb the proliferation of low-intensity development through policies and incentives; and Goal 3: reminding every community in the state that community choices shape land consumption patterns, but finding better ways to plan, administer, and coordinate planning decisions can help shape desired outcomes. The greatest opportunity in our communities, Ms. Moore noted, is incentivizing reuse, redevelopment infill. "We tend to have a variety of regulations, zoning and subdivision opportunities and so forth, that just make it so much easier and cheaper to do greenfield development."

If Georgia communities continue growing the way they have in the past, some counties will have between 12.5-70% of their land area consisting of a developed land cover type. Ms. Moore emphasized that once these impervious surfaces are in place on the ground in these communities, they are not going to be recaptured for forest or farms. "If we can address some of the pressures that are on our farmers in terms of others that

are interested in their land, then we have provided them with one resource in that complicated equation that ends up making or not making money for them year over year.”

Ms. Moore reviewed existing funding and programs which encourage farmland conservation. The Georgia Farmland Conservation Act has passed. This program provides an incentive for farming landowners to establish permanent conservation easements on their property. It is intended to leverage non-state organizations’ ability to hold conservation easements and matching funds from federal agricultural conservation programs. Ms. Moore stated that what is now needed is to ensure a consistent funding source for the Georgia Farmland Conservation Fund Program (e.g. real estate transfer tax, sales tax, development fees) and increase the capacity of the Department of Agriculture and qualified easement holders.

The Federal Agricultural Conservation Easement Program (ACEP-ALE) is another farm preservation program.⁹ This replaced the Farm and Ranch Lands Protection Program (FRPP). This program can be used solo without pairing with a state program, but matching with a state program maximizes impact and saves state dollars. Robustness of the program still depends on capacity of qualified easement holders (e.g. land trusts).

The State of Georgia has also invested heavily in tax incentives for landowners for conservation of working lands (such as Conservation Use Valuation Assessment (CUVA) and the Forest Land Protection Act (FLPA)). Ms. Moore indicated that these programs could be expanded, including by reducing the assessed value of the agricultural land. However, Ms. Moore noted that counties may push back as land is taken off of their tax digest. Some states, including the State of Florida, have responded by making payments in lieu of taxes in certain circumstances. Ms. Moore’s presentation included the statement that counties and local governments should be compensated for foregone tax revenue to ensure CUVA/FLPA is net positive.

Other policies and incentives for structured development and conservation include transfer of development rights; urban growth boundaries; and urban service areas. While Ms. Moore stated that she does not have a silver bullet to cure the problems of farmland preservation, she believes that Georgia already has all of the tools within its toolbelt to fix the issue.

7. American Farmland Trust (Mallory O’Steen)

Ms. O’Steen, Georgia Program Manager of the American Farmland Trust (AFT), provided a presentation on “A Look at Farmland Protection Policy Opportunities in Georgia and Comparison Examples.” Through their research initiative, Farms Under Threat, AFT determined that during the period of 2001-2016, Georgia ranked fifth in the nation for land converted out of agricultural use. Eleven million acres of farmland were lost nationwide during this period, with Georgia farmlands accounting for a little over half a million acres of that loss. The vast majority of this loss was due to low-density residential development.

Through their research initiative “Farms Under Threat: 2040”, AFT determined that if Georgia continues along current patterns, the State will move to the number four ranked state in farmland loss. AFT projects loss of farmland somewhere between 800,000-1,000,000 acres in that timeframe. Nationwide, AFT anticipates nearly 300 million acres, or a third of the country’s agricultural land, will transition to new ownership over the next twenty years. Ms. O’Steen noted that as aging agricultural landowners retire, the future of the land they steward “is at a critical turning point. How and to whom they transfer their land will have an enormous impact on the next generation of farmers and ranchers and the opportunities available to them.”

Ms. O’Steen emphasized that the State of Georgia has four to five times as many agricultural producers over the age of sixty-five as under the age of thirty-five. This highlights the problem of land access for

⁹ 16 U.S.C. 3865-3865(d).

younger farmers. AFT surveys indicate that aging farmers currently on land would prefer to transfer their farms to a new and beginning farmer. However, financial realities often get in the way of that preference. Such financial realities often push current farmland owners to secure the highest sales price for their land. In response, over twenty states have implemented Land Access Policy Incentives (LAPI). Such initiatives include the Beginning Farmer Tax Credit (BFTC).

Six states have Beginning Farmer Tax Credits (BFTCs). These states include Nebraska, Iowa, Pennsylvania, Minnesota, Kentucky, and Ohio. These programs provide a landowner who leases or sells land to a beginning farmer with compensation in the form of tax credits. These tax credits can be worth 5-15% of the lease/sale price. Each BFTC has certain criteria such as definition of beginning farmer, net worth caps, and whether it applies to leases and/or sales. Ms. O'Steen noted that these programs involve relatively small investments on the part of a state, with two to five million dollars annual requirement.

Another program which states have introduced to further farmland protection is Farmland Purchase and Protection Incentives (FPPIs). FPPIs aim to help farmers purchase land and protect it with an agricultural conservation easement. Four states have FPPIs including Massachusetts, Delaware, Pennsylvania, and Washington. These programs typically build upon an existing PACE program. Massachusetts and Delaware have a no-interest loan to bring additional credit to the amount a beginning farmer obtains through a conventional lender. These are funded through appropriations and agricultural land transfer tax.

Georgia has already passed a Purchase of Agricultural Conservation Easement Program (PACE). The most important part of a PACE program is that the program is funded at a high enough level to compete with other offers for purchase. Additional qualities of a strong PACE program include that funding is consistent from year to year, so farmers know the program is steady and available to access. Also, a strong PACE program creates incentives for counties to contribute as local dollars can go further.

In Georgia, Carroll County, Oconee County, and Morgan County have stepped forward and provided funding from \$100,000-\$250,000 annually. This funding comes from sources such as conveyance fees on real estate transfers, mitigation fees on development, vanity license plate sales, direct appropriations or general funds, and capital budgets or bonds.

Ms. O'Steen noted that studies from different states including Texas, Pennsylvania, and Colorado indicate that dollars spent funding a state PACE program provide a high level of return to federal and private investments, economic activity in the agricultural sector, and public ecosystem service benefits.

Ms. O'Steen also considered the topic of solar farming in relation to farmland preservation. According to AFT's Farms Under Threat 2040 modelling, without policy intervention, 83% of new solar development will be on farm and ranchland. "Nearly half of that is projected to be on our most productive, versatile, and resilient land." Ms. O'Steen indicated that there are many opportunities to prioritize other siting for solar, such as parking lots, rooftops, and brownfields. Research shows that there are not enough suitable rooftops to meet the demand for solar.

Agrivoltaic arrays, Ms. O'Steen noted, offer a good opportunity in solar siting. Agrivoltaic arrays are solar arrays that pair solar and agricultural production. These offer an excellent solution to solar concerns. AFT recommends the following state and local policies to advance smart solar practices: prioritize siting on the built environment and marginal farmland; safeguard the ability to farm the land after the life of the array; expand development of agrivoltaic arrays; and advance farm viability and equity.

MEETING FIVE

Date: November 25, 2024 (Meeting 5)

Location: Georgia State Capitol, Atlanta, Georgia

Topic: Adoption of the Final Committee Report

Committee Members Present

Chair: B. Hickman

Senators: B. Beach; R. Goodman; F. Powell Sims; S. Watson; J. Anavitarte (Via Zoom); J. Esteves (Via Zoom)

Others: N/A

The committee discussed and voted upon this Report and Recommendations. The committee unanimously adopted this report and its recommendations before adjourning.

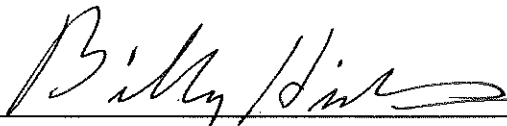
FINDINGS AND RECOMMENDATIONS

Based on the testimony and research presented, the Study Committee on the Preservation of Georgia's Farmlands recommends that the General Assembly:

1. Expand efforts to relieve tax burdens on farmers and farm communities and work to make farming financially viable across all regions of Georgia:
 - Increase the maximum acreage to qualify for assessment and taxation as a bona fide conservation use property from 2,000 acres for a single owner to 4,000 acres. This will require a state constitutional amendment, similar to SR 670, proposed by Senator Sam Watson in 2024, as well as enabling legislation.
 - Reform CUVA to remove a limitation that prohibits leased properties from qualifying for the preferential assessment. This will require legislation similar to HB 1052, proposed by Representative Chas Cannon in 2024.
 - Continue state financial investments in the Georgia Farmland Conservation Fund to better leverage USDA matching grants.
 - Continue seeking new opportunities to accelerate cuts to the state income tax or return surplus funds to taxpayers.
 - Remove sunset on 2023 legislation relating to truck weights and allow additional truck weight capacity under that law to be used for more products.
2. Provide a strong state-level disaster relief package for farm and rural communities affected by Hurricane Helene. In addition to relief loans, this could include expanding the state tax credit that is based on receipt of state and federal disaster assistance funds.
3. Advocate with Members of Congress and the Administration for a strong Farm Bill that incentivizes farmland conservation; promotes a level playing field for farmers to compete with foreign producers; expands farmers' access to credit; provides adequate crop insurance and disaster assistance for farmers affected by adverse weather events; supports agricultural research; and continues assistance for rural development.
4. Continue long-term state investments in the future of rural Georgia through workforce development initiatives and other programs. Continue the state's investment in Georgia Grown and the Georgia Grown Innovation Center.
5. Direct one or more state agencies to determine how many acres of Georgia land currently have solar energy projects on them and to provide annual reporting to the General Assembly and the public as to the growth of farmland utilization for solar power generation.
6. Support opportunities for farm-based education for all school systems. This will increase awareness of the importance of farming to the state and national economy and promote agriculture as a career choice.
7. Continue working with cities, counties, school systems, and development authorities to study incentives for new housing and economic development projects to preserve existing farmlands and consider the impact of new development on farms. The state should also study additional measures to incentivize development along existing infrastructure patterns and redevelopment of existing properties when new growth opportunities arise.
8. Promote technical education for agriculture and water and resource management.
9. Provide for a North Georgia Hay Specialist through the University of Georgia extension service and continue investments in innovation and support services provided by the extension services.
10. Expand rural veterinary services to support cattle, dairy, and equine operations.
11. Explore either amending the Constitutional Gratuities Clause or any existing exceptions to the Clause.

Respectfully Submitted,

**FINAL REPORT OF THE SENATE STUDY COMMITTEE ON THE
PRESERVATION OF GEORGIA'S FARMLANDS (SR 470)**



**Senator Billy Hickman - Committee Chairman
District 4**