

Saving Georgia's Farmland

New legislation offers farmers a cash incentive to have a permanent conservation easement placed on their land.

Georgia has become a destination of choice for people and businesses across the country. Our population grew by 10.6% between 2010 and 2020, according to the U.S. Census Bureau, and Georgia now ranks as one of the fastest-growing states in the U.S.

This success, however, is threatening the one finite resource we can't replace: our land. Georgia's economic and environmental future depends on the integrity of our land, but farmland in Georgia is being developed at a rapid pace. In less than a generation, 20% of farmland in the state has been lost to development. Between 1974 and 2016, approximately 2.6 million acres of crop, hay and pastureland was lost to development, according to Georgia Now and Forever, a research and policy initiative undertaken by the Georgia Conservancy.

Meanwhile, Georgia's developed land cover has grown by 2.5 million acres since 1974, with most of this development low-intensity in character. This is more acreage than the states of Delaware and Rhode Island combined.

"Atlanta is Encroaching ... Real Quick"

Glen Robinson, the owner of the Sleeping R Ranch – a cattle and sheep ranch in Rockmart, about 50 miles north of Atlanta – sees the threats of development to farmland every time he leaves his farm. "Atlanta is encroaching on us real quick," he says. "I never thought we would see our population grow like it has up here."

BY DON SADLER PHOTOGRAPH BY DAEMON BAIZAN

Halting Development: Glen Robinson, owner of the Sleeping R Ranch, supports conservation

Between 2001 and 2016 alone, more than half-a-million acres of Georgia farmland was converted to urban and residential land use, according to American Farmland Trust. Georgia was the fifth-worst state in the country in terms of farmland lost to development during this time.

“The data indicates that preserving farmland should be a top priority in Georgia,” says Mallory O’Steen, Georgia program manager for American Farmland Trust. “This is especially critical when you consider that agriculture is one of Georgia’s leading industries.”

Katherine Moore is the president of the Georgia Conservancy, which has focused on land conservation opportunities and threats in Georgia since 1967. “Low-intensity development is driving land-cover change across the state, especially just outside major metro areas,” she says. “As land cover is changed from one type to another – say, from agriculture or timber to commercial or residential – that change is likely permanent.

“Developed land rarely goes back to what it was before,” says Moore. “It’s far more difficult and less likely to return land to its natural state.”

Bill Creates Farmland Conservation Fund

Fortunately, there’s some good news on the Georgia farmland conservation front. In March, the Georgia Legislature



Protecting Land: Gov. Brian Kemp signs the Georgia Farmland Conservation Act, which gives farmers cash to conserve land

overwhelmingly passed Senate Bill 220, the Georgia Farmland Conservation Act. This legislation creates a fund and a process for providing a financial incentive to farmers who voluntarily place their agricultural land in a permanent conservation easement, which restricts the landowner’s ability to develop the property later.

Under the program, owners of Georgia farmland located in areas threatened by development can apply for a cash payment for development rights on some or all of their land. A permanent conservation easement is then placed on the

land, which is taxed at a lower rate that reflects the more limited use.

“The passage of SB 220 establishes an exciting new program that will help protect Georgia farmland and production agriculture,” says Georgia Farm Bureau President Tom McCall, who will serve on the advisory council that reviews applicants from landowners for the program. “It will benefit not only Georgia farmers, but all Georgians by ensuring a local, safe food supply and the conservation of our natural resources.

“Once funded, this program will provide options for our kids and grandkids to continue a life in agriculture despite the growing development pressure we have seen over the past few decades,” says McCall.

Georgia Farm Bureau Governmental Affairs Specialist Jake Matthews says the Georgia Farmland Conservation Fund Program has been “front and center” for the past couple of years. “There’s a lot of concern among our members about what’s happening to farmland across our state,” says Matthews. “Development is good, but it can’t be at the scale that displaces agricultural land.”

Following a Proven Model

The Georgia Farmland Conservation Fund Program is an example of a purchase of agricultural conservation easement (PACE) program. These programs work with farmers who are willing to voluntarily restrict their right to develop



Benefiting Farmers: Georgia Farm Bureau President Tom McCall



Preserving Agriculture: Katherine Moore, president of the Georgia Conservancy

their land. This helps ensure that the best agricultural land is protected from development and will stay farmable for future generations.

In the 29 other states that have established PACE programs, 3.2 million acres of farmland and nearly \$5 billion in farmland value has been secured. The Georgia PACE program, which will be administered by the state department of agriculture, will make funds or matching grants available for prospective qualified easement holders each fiscal year.

A 14-member advisory council will review the agency’s recommended recipients and choose which ones receive funding. The department will prioritize proposals that “protect agriculture lands that are susceptible to development, subdivision and fragmentation,” according to the legislation.

Like PACE programs established in other states, the Georgia Farmland Conservation Fund Program can leverage federal dollars and local matching funds to extend conservation objectives. “This

will allow state funds to go that much further,” says Moore.

The U.S. Department of Agriculture allocates \$450 million each year in matching funds for these kinds of state farmland conservation programs. The fund can also receive local funding, public and private grants, gifts and donations, and proceeds from bond sales and mitigation funds.

“A PACE program for Georgia has been a goal of the Georgia Conservancy for many years,” says Moore. “This pro-



Family Matter: John Benkoski and daughter Katelin at Big Sandy Creek Dairy Farm in Madison

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gram will give Georgia farmers an opportunity to generate on-farm revenue while retaining ownership and control of their farming operations. It will provide direct financial support for farmers while simultaneously strengthening our state's top economic sector."

Supporting Georgia's No.1 Industry

Creating a program like this was a top priority of Georgia Agriculture Commissioner Tyler Harper when he first took

office in 2023. "Agriculture is the No. 1 industry in the state and the backbone of our economy," says Harper of Georgia's \$70 billion agriculture industry. "If agriculture isn't successful, then our state can't be successful."

According to Harper, Georgia is currently projected to lose another 800,000 acres of agricultural land between now and 2040. "The [PACE] program will provide an important tool we can use to protect land for productive agricultural purposes," he says. "This will help ensure that our agricultural industry can

continue to thrive."

Harper views land conservation and agricultural production as more than just an economic issue. "It's also a national security issue," he says. "Georgia provides food, fiber and shelter for the rest of the nation. If we can't do this, then we're less safe as a community, state and nation."

SB 220 creates the framework for the Georgia Farmland Conservation Fund, which is currently unfunded. "Our priority was to build a framework by passing the legislation and then put the meat on the bones later," says Harper. "This gives us time to get everything set up properly so we can hit the ground running once the program is funded."

"We will ask the legislature for funding next year and use this to go after matching federal funds and support from private organizations that support agricultural land conservation," says Harper.

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KATHERINE MOORE, president, Georgia Conservancy

Conservation Easements Explained

A conservation easement is a voluntary legal agreement between a property owner and a land trust or governmental agency that restricts further development or any activities that negatively impact the property's natural resources. The easement clearly explains the rights of the landowner and the restrictions on the land's use. It can affect the entire property or just part of it. Once complete, the easement is attached to the property deed.

The property owner will continue to own and manage the property, which can be transferred (sold or inherited) to someone else later. But the new owner

would also have to follow the rules of the easement.

Conservation easements have been used for decades to give private property owners the right to protect various natural resources of their land. An agricultural conservation easement is intended to protect or preserve agricultural use on the land. This is a much narrower application than a standard conservation easement.

Conservation easements protect the conservation values of the land forever, so they're perpetual. So landowners can expect to be fairly compensated for giving up development rights on their property.

Matthews believes it's important to educate farmers about all their options when it comes to farmland. "Ensuring the property rights of farmland owners is one of [the Georgia Farm Bureau's] bedrock principles," he says. "This includes their right to be compensated for placing their land in a conservation easement."

"Not every farmer will use this program because it places their land into an easement in perpetuity," says Matthews. "But the program will be a great option for those who want to retain ownership and are willing to give up certain rights to their land."

Rising Prices, Individual Decisions

Glenn Robinson placed his 200-acre farm into a land trust last year to protect it from development in perpetuity and received a federal tax credit in exchange. He says he wishes he had the opportunity to apply for the Georgia Farmland

Conservation Fund. "It would be nice to get paid cash," he says.

Robinson believes the Georgia Farmlands Conservation Act is the most im-

portant agricultural legislation to pass in the state in a long time. "It provides more ammunition to try to get more farmers to place their land in a conservation ease-

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Thriving Industry: Georgia Agriculture Commissioner Tyler Harper

DOUGLAS COULTER

ment,” he says. “Some farmers I know are waiting to get paid by developers, but I’m explaining to them that they can get paid not sell to developers, which will benefit their farms and families in the long run.”

John Benkoski, the owner of the Big Sandy Creek Dairy Farm in Madison, says he constantly gets offers from de-

velopers to buy his farm. “We get phone calls, letters or sometimes they just come knock on the door,” he says. Most of the developers want to divide his farm into residential lots. “There are a thousand houses around Good Hope now when there were none just a few years ago,” says Benkoski.

The new Rivian electric vehicle man-

ufacturing plant will be just 15 minutes away from his farm, which Benkoski says has driven land prices sky-high to between \$15,000 and \$20,000 per acre. “New and young farmers simply can’t afford to buy farmland at these prices,” he says. “And some older farmers are giving in and selling to the developers so they can retire. I can’t say I blame them.”

The Georgia Conservation Tax Credit and CUVA

In addition to the Georgia Farmland Conservation Fund Program, Georgia has two other important farmland and timber land conservation tools in its belt. The Georgia Conservation Tax Credit (GCTC) offers a state income tax credit to landowners to protect their land from development. This includes agricultural lands and forests used for lumber and crops.

Owners get protection by donating their land to conservation organizations or conservation easements. The tax credit is equal to 25% of the fair market value of the land, up to \$250,000 for individ-

uals and \$500,000 for corporations. The original Georgia Conservation Tax Credit expired at the end of 2021, but it was reinstated last year and now has a sunset date of December 31, 2026.

Between 2014 and 2019, 106 applicants received approximately \$16 million in state tax credits under the GCTC. This yielded approximately \$100 million in land conservation value.

The Conservation Use Valuation Assessment (CUVA) program is a 10-year agreement in which a landowner pledges to maintain land in a qualifying use (such

as agriculture or timber production) in exchange for a stepped-down property tax assessment that’s based on the land’s productivity during this time, not its fair market value.

Most of the owners of productive farmland in Georgia have enrolled in the CUVA program. So those who participate in Georgia Farmland Conservation Fund Program could receive both a cash payment for giving up development rights and decreased future property tax assessments based on the land’s development restrictions.

“Agriculture is the No. 1 industry in the state and the backbone of our economy.”

TYLER HARPER, Georgia agriculture commissioner

surrounded by farms and a hunting preserve.

“Homes are now being built on the hunting preserve,” he says. “This area is considered rural but there are more people in Houston County now than in Bibb County. And the projections are for 20,000 more families here in the next decade.”

Davis also acknowledges the temptations farmers face to sell their farmland to developers. “Five or 10 years ago farmland around here sold for \$2,800 an acre, but one farm nearby recently sold for \$18,000 an acre,” he says. “It’s hard to compete with the prices developers will pay, which is why I think the Geor-

gia Legislature took a great step forward with SB 220.”

Moore believes the strategic conservation of farmland must remain a priority in Georgia. “The quality of life so many of us enjoy is due in part to the pastures, orchards and row crop fields across the state,” she says.

“If we believe Georgia farmers and the land management they provide is important, we must make sure that conservation options like the Georgia Farmland Conservation Fund Program are offered to them,” Moore adds. “The program’s benefits will be felt by our people, economy and natural resources for generations to come.”



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