

Ulster County 2021 Climate Smart Communities Recertification Documentation

Action 6.7: Adopt Land-use Policies That Support or Incentivize Farmers' Markets, Community Gardens and Urban and Rural Agriculture

1 POINT DOCUMENTED

Background: Ulster County is documenting 1 point for this CSC action, for adopting policies that incentive, promote, and remove barriers to rural agricultural practices. The County continues to support and incentive rural agriculture through participation in the New York State Agricultural Districts Program.

The purpose of the New York State Certified Agricultural District Program is to encourage the use of land for farming. It affords legal protections and some tax benefits for viable agricultural land. To be considered viable, tax parcels can have an active farm, but they can also have agricultural operations early in the planning stages. Land that helps keep the region's agricultural industry viable, even if there are no plans to farm it, can be eligible for inclusion into an agricultural district, too. There are no property size or gross sales requirements.

Ulster County has four agricultural districts. Agricultural District #1 covers southeastern Ulster County, mostly towns along the Hudson River that have traditionally been home to many of the region's apple orchards. Agricultural District #2 covers the Wallkill River Valley in the central and southern portions of the County and is by far the largest of the four. Agricultural District #3 covers the western portion of the County with much of it centered along Route 209 and a variety of agricultural businesses. Agricultural District #4 covers Ulster County's northern third and is an area with both sparsely settled mountains and densely populated valleys. These agricultural districts are reviewed every eight years by Ulster County to determine which parcels should be removed.

Documentation:

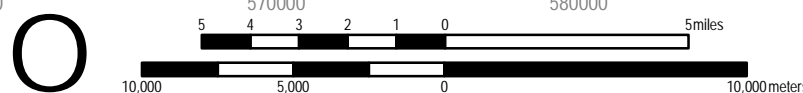
- Ulster County Agricultural Districts
 - Webpage: https://ulstercountyny.gov/planning/agricultural_districts_overview
 - *New York State Department of Agriculture and Markets Ulster County [map](#) of agricultural districts
 - Annual Recommendation:
 - The Ulster County Agricultural and Farmland Protection Board (AFPB) meets annually make a recommendation to include specific parcels into the New York State Certified Agricultural Districts Program.
 - *2020: The Ulster County Legislature passed [Resolution 307](#) on September 15, 2020 recommending 17 parcels be included into a state certified agricultural district.
- Agricultural and Farmland Protection Plan
 - Webpage: <https://ulstercountyny.gov/planning/agriculture-and-farmland-protection-plans>
 - *[I. Introduction, Executive Summary, and Table of Contents](#)
 - The Ulster County Legislature formally adopted the Ulster County Agricultural and Farmland Protection Plan by resolution on September 11, 1997.
- [Ulster County Open Space Plan](#) (2008)

- *Section: Resource Category 3: Working Landscapes - Agricultural and Forestry Lands
- *Working Landscapes Map

**included in documentation packet*

- Additionally, the [Ulster County Community Design Manual](#) (2017) provides guidance and recommendations related to farmland planning (p.144), policy (p.152), protection (p. 136), and agricultural and incentive zoning (p.147).

The Ulster County Community Design Manual was developed as a complementary manual in conjunction with the Ulster County Planning Board's [Land Use Referral Guide](#) whereby the latter document guides local officials, applicants, and members of the public through the County's review process, while the Community Design Manual focuses on policies of the Ulster County Planning Board with respect to both the built and natural environments from the macro scale down to specific site details. The document is filled with examples that can be applicable to community comprehensive plans updates, zoning statute updates, and can be applied to site-specific reviews.



DISTRICT CERTIFICATIONS and TOWNS

DISTRICT 4

CERTIFIED 4/9/2015

Hurley Saugertie

Kingston Shandak

Marbletown Ulster

INFORMATION

DISCLAIMER
This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.
Boundaries as certified prior to January 2018

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.

Adopting The Inclusion Of Additional Lands In Agricultural Districts Within Ulster County As Recommended By The Ulster County Agricultural And Farmland Protection Board – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Cahill and Legislators Archer, Corcoran, Delaune, Litts, Maio, and Uchitelle)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian B. Cahill, and Deputy Chair Herbert Litts, III offer the following:

WHEREAS, consistent with §303(b) of New York Agriculture and Markets Law (AML), Ulster County established an annual 30-day review period from March 1st to March 30th, for farmers to request the inclusion of additional lands in Agricultural Districts within Ulster County; and

WHEREAS, during the review period for 2020, 16 requests were submitted to the Ulster County Legislature, consisting of 20 parcels with a total of approximately 629 acres; and

WHEREAS, on July 10, 2020, the Chairman of the Ulster County Legislature transmitted the requests for inclusion to the Agricultural Farmland Protection Board (AFPB) for their recommendations as required under §303(b) of the AML; and

WHEREAS, the AFPB met and reviewed the requests on July 24, 2020, and after consideration of the factors required under §303(b) of the AML, by a majority vote of its members, recommended the inclusion of additional lands in Agricultural Districts within Ulster County; and

WHEREAS, the Agricultural and Farmland Protection Board has filed this recommendation and supporting documentation with the Clerk of the Ulster County Legislature, thereby fulfilling its obligations under §303(b) of the AML; and

WHEREAS, The Ulster County Legislature held the required public hearing on August 11, 2020 with 1 public comment made at the hearing and 2 written comments filed as part of the hearing's official record; and

WHEREAS, the addition of lands to Agricultural Districts with respect to the State Environmental Quality Review Act (Part 617 NYCRR) are considered an Unlisted Action and an Environmental Assessment Form has been completed and filed with the Clerk of the Legislature; now, therefore be it

Resolution No. 307 September 15, 2020

**Adopting The Inclusion Of Additional Lands In Agricultural Districts
Within Ulster County As Recommended By The Ulster County
Agricultural And Farmland Protection Board – Department Of
Planning**

RESOLVED, that the Ulster County Legislature finds, after review of the Environmental Assessment Form and the recommendations of the Agricultural Farmland Protection Board, for the inclusion of lands within agricultural districts, as filed with the Clerk of the Legislature, that no significant adverse environmental impacts will occur as a result of this action and a Negative Declaration is adopted under NYCRR Part 617.7 (SEQRA); and, be it further

RESOLVED, that the Ulster County Legislature adopts the recommendations of the AFPB as filed with the Clerk of the Ulster County Legislature, which includes the placement of additional lands within existing agricultural districts in Ulster County totaling 17 parcels and approximately 512 acres; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall submit this resolution, a copy of the AFPB report and other material as required under Agriculture and Markets Law Article 25-AA – Agricultural Districts, to the Commissioner of Agriculture, and request that the Commissioner certify the inclusion of these lands in an agriculture district if feasible and in the public interest,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Fabiano)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit
on September 1, 2020

FINANCIAL IMPACT:
NONE



*ULSTER
COUNTY*

**AGRICULTURAL
AND
FARMLAND
PROTECTION PLAN**

APPROVED OCTOBER 1997



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

George E. Pataki
Governor

Donald R. Davidsen, D.V.M.
Commissioner

October 6, 1997

Daniel L. Alfonso
Chairman, Ulster County Legislative
County of Ulster
P.O. Box 1800
Kingston, New York 12402-1800

Dear Mr. Alfonso:

I have concluded my review of the Ulster County Agricultural and Farmland Protection Plan which was adopted by the County Legislative Body on September 11, 1997 and submitted to the Department on September 22, 1997. Pursuant to Section 324 of the Agriculture and Markets Law, and consistent with the legislative intent of Article 25-AAA of the Law to promote local initiatives for farmland protection, I approve the plan.

I wish to commend the County Legislative Body and the Agricultural and Farmland Protection Board for their initiatives and efforts in developing the plan. We look forward to working cooperatively with you in furthering the protection and development of farm operations and resources in Ulster County.

Sincerely,

Donald R. Davidsen, DVM
Commissioner

DRD/rcs

cc: Lydia M. Reidy, Chair, Ulster County AFBP

COUNTY OF ULSTER

P.O. BOX 1800
KINGSTON, NEW YORK 12402-1800



ULSTER COUNTY LEGISLATURE

DANIEL L. ALFONSO, *Chairman*
PHILIP J. SINAGRA, *Majority Leader*
JEANETTE M. PROVENZANO, *Minority Leader*
RANDALL V. ROTH, *Clerk*

TEL.: 914-340-3900
FAX 914-340-3651

September 22, 1997

Donald R. Davidson, DVM
Commissioner of Agriculture and Markets
1 Winners Circle
Albany, NY 12235

Dear Commissioner:

On September 11, 1997, the Ulster County Legislature adopted the Ulster County Agricultural and Farmland Protection Plan by unanimous vote. The plan contains many goals and strategies to promote agriculture in the County. Agriculture has been a mainstay of Ulster County life throughout its long history and with this plan, we hope to keep it that way.

I respectfully submit the Ulster County Agricultural and Farmland Protection Plan to and request its approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel L. Alfonso", is written over the typed name and title.

Daniel L. Alfonso
Chairman
Ulster County Legislature

DLA:mb
Encl.

ACKNOWLEDGEMENTS

AGRICULTURAL AND FARMLAND PROTECTION BOARD

Bill Calabrese, Ulster County Legislator
Robert Davenport, Farmer, R. O. Davenport & Sons
Jack Gill, Farmer, Gill Farms
Herb Hekler, Director, Ulster County Planning
Chris Kelder, Dairy Farmer, Jaway Farms
Dorothy Martin, Director, Real Property Tax Service Agency
Michael Moriello, Land Use Attorney & Farmer
Lydia Reidy, Chair, Cornell Cooperative Extension (CCE) Executive Director
Dave Roehrs, Agribusiness, Roehrs Construction and Apple Greens Golf Course
Len Tantillo, Chairman of the Soil and Water Conservation District
John Weed, Farmer, Weed Orchards

Project Coordinators: Ellen Strother (Former), Kelly Ann Radzik

Land Use Committee Members

Bill Calabrese, Legislator
Gary Capella, Soil and Water Conserv.
Kathy Capella, Natural Resources
Bob Davenport, Davenport & Sons
Doug Davenport, Davenport & Sons
Allan Dumas, Ulster County Health Dept.
John Gill, Gill Farms
Doug Glorie, Stoneside Farms
Jennifer Harvill, Real Property Tax
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Michael Moriello, Attorney
Dean Palen, Ulster County Health Dept.
Lydia Reidy, CCE - Ulster County
Warren Smith, CCE - Hudson Valley Lab

Ag Viability Committee Members

Ben Carlos, CCE - Ulster County
Peter Carofano, Ulster County Tourism
Gerry Davidson, Ulster Co. Development Corp.
Peter Davis, Arrowhead Farm
Peter Gallagher, Ulster Co. Development Corp.
John Gill, Gill Farms
Jennifer Harvill, Real Property Tax
Lydia Reidy, CCE - Ulster County
Dave Roehrs, Roehrs Construction
Len Tantillo, Tantillo's Farm Market

Former Board Members

George DeVine
Dick Fall
Tom Felten (deceased)
Peter Ferrante
Priscilla McBride
Vincent Troncillito

Education Committee Members

Bill Calabrese, Legislator
Kathy Capella, Natural Resources
Ben Carlos, CCE - Ulster County
Allan Dumas, Ulster County Health Dept.
John Gill, Gill Farms
Chris Kelder, Jaway Farms
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Roger Sysak, Cornell Cooperative Extension

Youth Education Advisors

Susan Boice, Klyne Esopus Museum
Susan Hurd, Hurd Orchards
Jackie Kelder, Jaway Farms

Special thanks for valuable assistance:

Steve Ashton, CCE - Ulster County
Nelson Bills, Cornell University
Roxanne Churchill, CCE - Ulster County
Jerry Cosgrove, American Farmland Trust
Dennis Doyle, Ulster County Planning
Linda Hasbrouck, Farm Service Agency
Dick Henry, NYS Dept. of Environ. Conserv.
Les Hulcoop, CCE - Dutchess County
John Lamb, Monroe County Planning
Jennifer Girtain-McPherson, CCE - UC
Joe Munster, Ulster County Tourism (retired)
Teri Ptacek, American Farmland Trust
Barbara Schildhorn, CCE - Ulster County
Bob Schooley, Agriculture Statistics Service
Bob Somers, NYS Dept. of Ag and Markets
Dave Squires, Farm Service Agency (retired)
Susan Tillson, Real Property Tax Service
Rick Umble, Ulster County Planning

EXECUTIVE SUMMARY

Agriculture has been a mainstay of Ulster County life throughout its proud history. Agriculture and its enterprises figure prominently on the Flag of Ulster County for good reason. A major rationale for burning Kingston and surrounding areas in 1776 was that the British did not want quality and quantity of foodstuff available to aid the revolutionaries. The climate, soils, topography, location, and hardworking and knowledgeable workforce made Ulster County a good place to produce exceptional foods and fiber at that time.

The same climate; soils; topography; location; and hardworking, knowledgeable workforce still exists today in Ulster County. Agriculture is indeed a viable industry and economic force as it provides for the most basic of human needs. Some of the differences detailed in the plan that exist today in relation to our past, however, have created an impression that agriculture is a forgotten or underappreciated economic and human resource to the county. The high cost of farming, marginal returns on investment, lack of understanding of consumers and residents of farm practices and production, and pressure on good farmland for other uses have made farming in Ulster County an endangered endeavor.

Agriculture in Ulster County is currently a \$55 million dollar industry without factoring in the multiplier effects. Direct farm employment provides jobs and careers for over 2,000 people. Farms and agribusiness purchase supplies and services from local businesses and support other industries as well. Farmers and their families usually reside in the community where their farm is located and spend their income and donate volunteer time within the same community.

Agriculture in Ulster County is worthy of planned support. The Ulster County Agricultural and Farmland Protection Committee has worked diligently to prepare this document soliciting input at public meetings, through surveys and interviews. Three major issues and goals were determined and are discussed along with strategies for implementation. This plan provides a road map for how the County can maintain its farmland base and strengthen the agricultural community.

We need to keep agricultural a vital and integral part of Ulster County's economy and rural lifestyle. This will require leadership and the coordination of public investment policy with agriculture and farmland protection goals. A coordinated and comprehensive approach that incorporates and mirrors community values will benefit the entire County.

Lydia M. Reidy, Chair
Ulster County Agricultural and Farmland Protection Board
July 1, 1997

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Resource Category 3: Working Landscapes

Agricultural and forestry lands

Definition

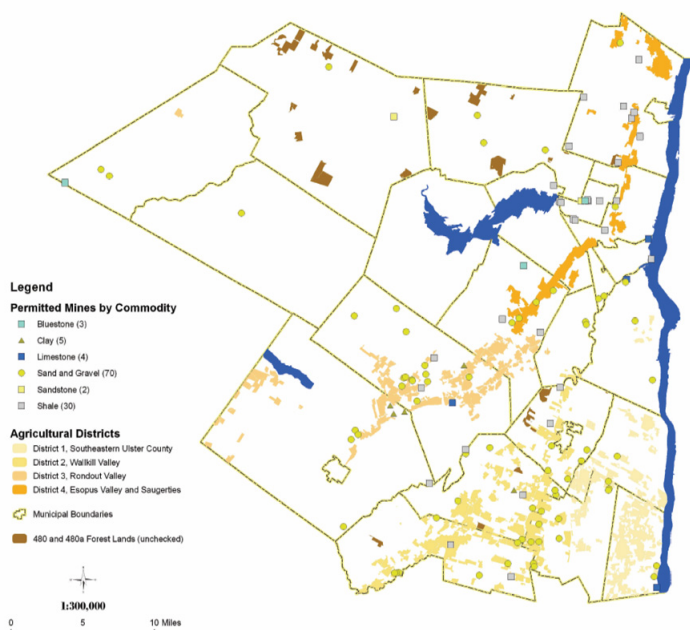
Working landscapes are defined as geographical areas of actively managed agricultural and forest lands as well as lands being mined. This definition is in contrast to "non-working" land that is simply lying idle. Typically, working landscapes are relatively large, contiguous acreage devoted to particular uses, but the plan also includes smaller farms or "niche" markets and farms that reflect increasing land values and development pressure.

Goal:

Maintain viable agricultural and forestry lands by working with property owners, communities and others to aid their economic viability and encourage land use patterns that limit encroachment. Provide for mining while preserving community quality of life and natural resources.

Inventory

The working landscapes map (see Map Book, Map 3) shows the location of the four New York State Certified Agricultural Districts in the County as well as lands enrolled under Section 480-a of the NYS Real Property Tax Law for forestry purposes. Also indicated on the map is mining activity. While not typically considered open space, mines are indeed working landscapes.



Map 3: Working Landscapes

See the Map Book for full-sized version of this map.

Management Issues

Working landscapes represent some of the most materially threatened open space resources. In most instances, management and regulation associated with these resources has only marginally recognized their open space value. Management of working landscapes should take into account ecological, social, economic needs, and the changing nature of these operations. An excellent example of appropriate response to managing these

resources can be found through the Ulster County Agricultural and Farmland Protection Board. In addition, development pressure continues to be a concern in maintaining viable working landscapes.

Section 480-a Forestry Program

Real Property Law 480-a was created to encourage the long-term ownership of woodlands to produce forest crops and thereby increase the likelihood of a more stable forest economy by granting tax relief to qualifying owners. Participation in the program requires that the forested lands be actively managed in accordance with an approved forest management plan.



Timber harvesting plays an important role in forest management.

About 10,000-12,000 acres of forestland in Ulster County has some type of timber harvest annually. This land provides an estimated 20 million board feet annually with a value of over \$7 million dollars. There are currently 23,500 acres of forestland in Ulster County enrolled in the state's 480-a timber tax law; this program requires a 10-year forest management plan with oversight by NYS DEC. There are also 17,000 Ulster County acres enrolled in the American Tree Farm system; this program also requires a forest management plan that is overseen by professional forester volunteers.



Wiklow Orchards in Lloyd is part of the "Ag" Districts Program.

Agricultural Districts Program

The Agricultural Districts Program grew out of New York State Constitutional amendments in 1970 to encourage the development and improvement of agricultural lands for the production of agricultural products as well as the protection of agricultural lands. In 1971, the Agricultural Districts Law/Agriculture and Markets Law was

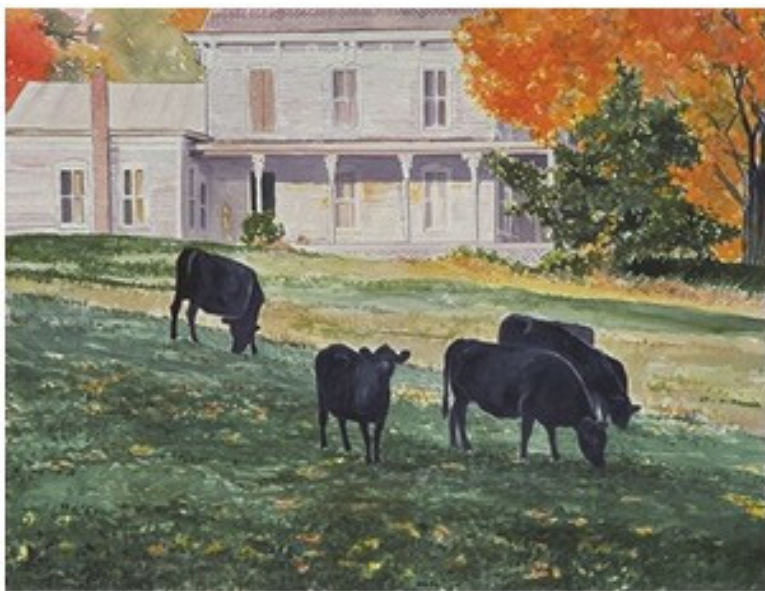
enacted. It authorizes the creation of local agricultural districts to encourage the continued use of farmland for agricultural production.



“Field of Poppies” by Lynne Friedman, Rosendale. This painting was selected by the City of Kingston to be digitally enlarged to 22ftx55ft and placed on an oil tank on the Hudson River in July 2004.



*“Hay Bales” (above) by Marlene Wiedenbaum, New Paltz.
“Door-yard Cows” (below) by Thomas Stratton, High Falls.*



The program offers incentives and protections to maintain lands in agricultural uses. These benefits include preferential property tax treatment (i.e., agricultural assessments for farms in production), restrictions on government funded acquisition or construction projects, and protections against overly restrictive local laws or private nuisance suits involving agricultural practices.

The Department of Agriculture and Markets manages the certification of new districts and the review and recertification of existing districts. Districts must be reviewed every eight years. The procedure assigns responsibility to the County Agricultural and Farmland Protection Board.

There are currently four agricultural districts in Ulster County comprising over 2000 parcels and including nearly 70,000 acres. In addition to the state certified agricultural districts, approximately 34,000 acres are recognized in local zoning codes as agricultural. The total for these two categories equals fourteen percent of all land in Ulster County.

Ulster County, New York

Open Space Plan

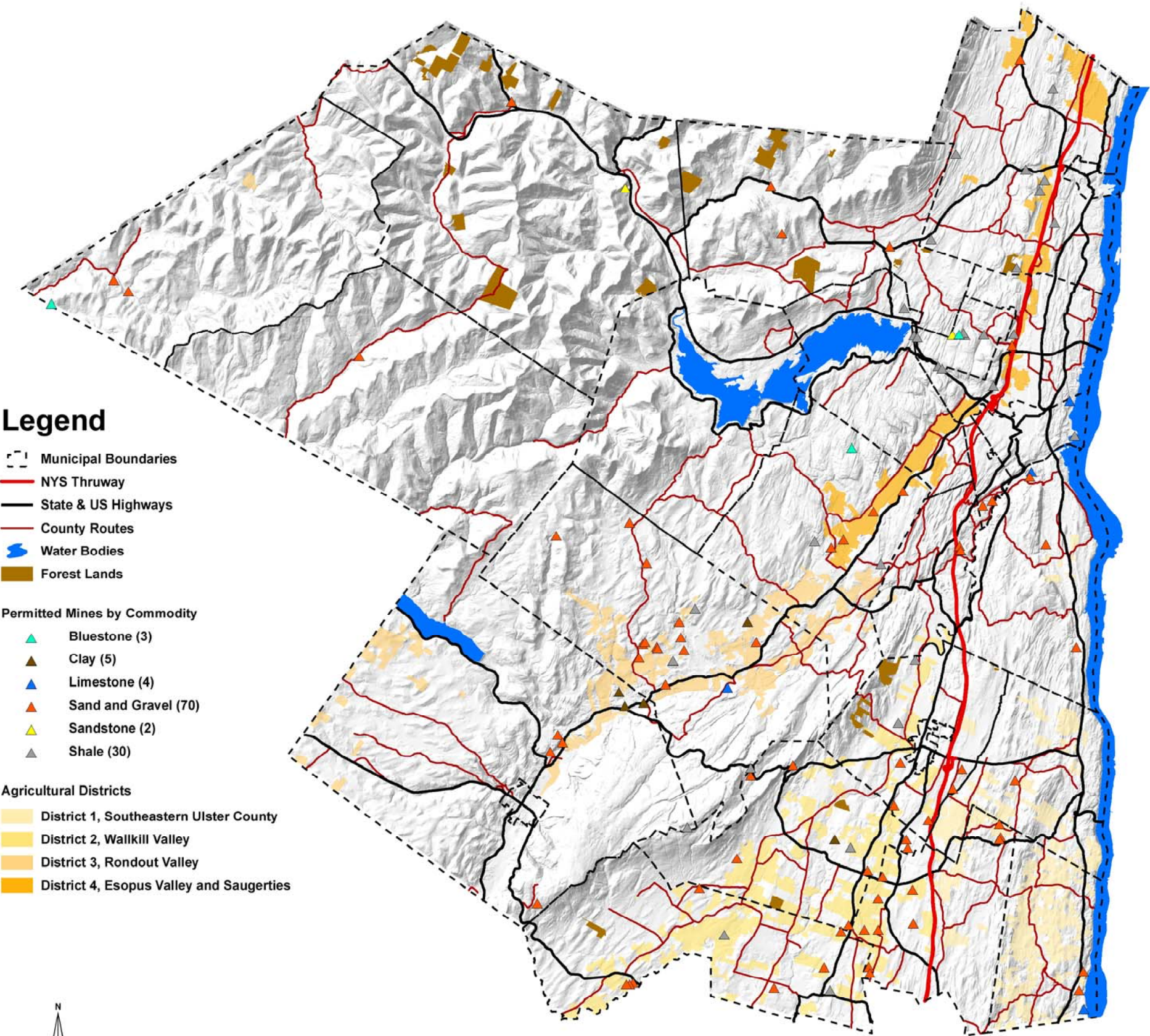
3. Working Landscapes

This map displays working landscapes by showing where agricultural districts, permitted mines, and private wild and forest lands are found in Ulster County, New York.

Working Landscapes Source Data Explained

The source data used to create the Protected Open Space composite displayed on this map came from the sources listed in the table below.

Working Landscapes Source Data	Where Acquired	Description of Data
Private Wild and Forest Lands	Ulster County EMC tax parcel query (8/05)	Digital tax parcel data for Ulster County was queried to extract the property class code for "Private Wild and Forest Lands"(code 910). This includes lands that fall under Sections 480 and 480a of the New York State Real Property Tax Laws; also known as The Forest Tax Laws.
Permitted Mines	New York State DEC Division of Mineral Resources (11/04) webpage http://www.dec.state.ny.us/website/dmn/minedata.htm	This data layer shows the location of permitted mines in Ulster County. The data layer is maintained by the New York State DEC, Division of Mineral Resources.
Agricultural Districts	Obtained from the Ulster County Planning Board	Lands recognized by the Ulster County Agricultural and Farmland Protection Board as being eligible for farmland protection funding.



Ulster County Planning Board
244 Fair Street
PO Box 1800
Kingston, NY 12401
845-340-3340

Datum and Projection: NAD 27, UTM 18
Map Date: June 2009



0 5 10 Miles

This map is for informational purposes and was not prepared for legal, engineering, or surveying purposes. Users of this information should consult the primary data and information sources to ascertain the usability of the information.

6.7 Adopt Land-use Policies That Support or Incentivize Farmers' Markets, Community Gardens and Urban and Rural Agriculture

1 Points

2 Points

3 Points

4 Points

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

A. Why is this action important?

Local governments have begun to take an interest in agriculture as a way to address food security, promote public health, support economic and community development, and to improve the urban environment. Increasing the availability of local foods is also an important strategy being used to reduce greenhouse gas emissions from the long distance transport of food into a region. Rural communities can also promote and preserve agricultural areas through agriculture plans or districts or land preservation.

B. How to implement this action¹

According to the March 2010 issue of Zoning Practice, published by the American Planning Association, "In zoning, urban agriculture can be treated either as a district or as a use category." Local zoning regulations commonly permit a wide range of agricultural activities, including raising crops and animals, in designated agricultural districts in rural areas or on the urban fringe. Zoning Practice advises that urban agriculture can also be treated as a use or set of uses that are permitted, conditional, or forbidden, depending on the district. Both of these approaches have benefits, but it depends on the needs and goals of the local government to determine which is the most useful to accomplish local goals. Local governments with urban areas investigating changes to zoning ordinance or policies should consider several questions:

- What are the possible urban agriculture activities in our community?
- What can be allowed in a widespread way with little controversy and what is controversial?
- What can be allowed, but controlled?
- What can be allowed, but only in certain places?
- Are there some places where specific activities should be encouraged?
- Who are the likely participants and how can positive relationships be fostered?

Rural communities may choose to focus on preserving local agricultural areas through agriculture plans, agriculture districts, or partnerships with land trusts to buy agriculture easements. The Climate Smart Communities (CSC) program encourages local governments to consult with [DOS's Office of General Counsel](#) regarding policies to incentivize farmers' markets, community gardens, and urban and rural agriculture.

C. Timeframe, project costs, and resource needs

This action can be implemented with assistance from a professional planner on staff. For many communities, changes in zoning ordinances and policies can take up to a year to conduct background research, review existing ordinance language, draft new language, consult with a local government attorney and pass new or revised legislation. Consultants and Cooperative Extensions are very helpful resources in crafting the language and determining the most appropriate policy changes to accomplish local goals.

D. Which local governments implement this action? Which departments within the local government are most likely to have responsibility for this?

This action is relevant to any local government. The planning department (or planning board) and local government

attorney are the primary officials responsible developing draft language for adoption and for implementing the new policy. The town board, village board, or city or common council will be responsible for adopting new regulations. County governments may develop incentives or assist local governments in adopting these policies.

E. How to obtain points for this action

To obtain points for this action, the local government must update the local zoning ordinance or adopt new policies that incentivize, promote, or remove barriers to local farmers' markets, the creation of community gardens, and urban and rural agricultural practices.

	POSSIBLE POINTS
Local farmers' markets or farm stands	1
Community gardens	1
Urban agriculture	1
Rural agriculture	1

To be eligible for points for this action, local governments are not required to incorporate these policies into their zoning or comprehensive plan; however, they are encouraged to do so to reduce the risk of legal challenges.

F. What to submit

The revised zoning ordinance or new policy must be submitted electronically to receive points for this action. Local governments must submit a memorandum highlighting the specific sections of the zoning or ordinance that support or incentivize farmers' markets, community gardens, and urban or rural agriculture.

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

All CSC action documentation is available for public viewing after an action is approved. Action submittals should not include any information or documents that are not intended to be viewed by the public.

G. Links to additional resources or best practices

- [NY Department of Agriculture and Markets](#)
- [American Planning Association, Zoning for Urban Agriculture](#)
- [Sustainable Cities Institute, Promoting Urban Agriculture: Zoning](#)
- [New York State Codes, Right to Farm](#)
- [GrowNYC](#)

H. Recertification requirements

The recertification requirements are the same as the initial certification requirements.

-
1. [Information in this section was taken from an excerpt of the March 2010 issue of *Zoning Practice*, published by the American Planning Association](#) ↩