Mr. Jeff Hurlock  
Town of Clayton  
414 Main Street  
Clayton, DE 19938

RE: PLUS review – PLUS 2007-10-17; Town of Clayton Comprehensive Plan  
Pre-Update review

Dear Mr. Hurlock:

Thank you for meeting with State agency planners on October 31, 2007 to discuss the update of the Town of Clayton comprehensive plan. State agencies have reviewed your current plan and have asked that the following be considered when you update your plan for 2010.

Office of State Planning Coordination – Contact: David Edgell 739-3090

Our office would like to commend the Town of Clayton for taking advantage of our new Pre-Update Review Process. Clayton has long been a leader in comprehensive planning in Delaware, and the effort shows in the way that your community has been able to manage growth while retaining its character.

Clayton’s certified plan meets all of the requirements of a “Municipal Development Strategy” for towns of 2000 or fewer residents. In many ways the plan is much more detailed than required, which reflects the town’s willingness to use proper planning to respond to growth pressures and redevelopment concerns. As Clayton develops their plan update, our office would like to suggest that the Town consider the following items:
Transfer of Development Rights (TDRs): The State is looking for the municipalities to be partners in making TDRs successful by providing receiving areas within their jurisdictions. We would like to inform the town that State TDR legislation is pending (HB #244), and is supported by our office and the administration. Should this legislation be passed into law it will be necessary to address TDRs in your comp plan, so we recommend that the town proactively include receiving areas and the framework of a TDR program in your plan.

Peoples Farm / Wright Farm: At the PLUS meeting we discussed the possibility of annexing a farm in New Castle County known as the Wright Farm, while seeking to protect and preserve another parcel in the vicinity known as the Peoples Farm. This possibility seems to be a perfect match for the TDR concept. Our office will be expecting some version of this concept to ensure the preservation of the one farm in exchange for the annexation and development of the other farm. It will also be essential for the Town to work with New Castle County to ensure this concept is compatible with their plans, and that they have no objections.

Coordination with other Local Governments: Clayton is in a unique location in the fast growing northern Kent County region. Growth pressures are being felt by all of the local jurisdictions in this area, including both Kent and New Castle Counties and the Town of Smyrna. The Smyrna School District is also involved, and is actively planning to provide needed schools to accommodate population growth. Our office suggests that you continue to coordinate and collaborate with these other entities through your planning process.

Transportation Planning: Continue to work with DelDOT and the Dover / Kent MPO on transportation planning issues. The MPO has been working with Smyrna, Clayton and Kent County on regional transportation issues in the area, and we suggest that this concept be included in the plan and that the town continue participate in this process.

Economic Development: At the PLUS meeting it was suggested that Clayton could capitalize on its cluster of agricultural support industries and facilities as an economic development strategy. We encourage you to pursue this and other economic development strategies with the goal of enhancing your employment base and ensuring a vibrant mix of jobs and services in your town center and industrial areas.

Master Planning: Our office has been promoting the concept of master planning. This concept allows a review of the cumulative infrastructure needs of an entire area which may be comprised of multiple subdivisions and other land uses.
Clayton’s plan is drafted at a scale and in sufficient detail so that the impacts of the numerous subdivisions and land developments occurring to the west of the town are considered and anticipated as the town continues to grow. This is to be commended. If the town would like to discuss the concept of “master planning” further, please contact our office. There may be some infrastructure financing strategies that could be beneficial to the town, especially when tied to TDRs.

**Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685**

The Town of Clayton approved comp plan does not include a Historic and Cultural Resources Plan component. This community has a historic core that is important in the history of the State of Delaware and should be recognized for its contributions. The St. Joseph’s Industrial School property, now Providence Creek Academy and St. Joseph's at Providence Creek Foundation, is an important historic resource in your community that is listed in the National Register of Historic Places. A historic district eligible for listing in the National Register of Historic Places was identified in 1990 for Clayton. Today, this important collection could be enhanced through the application of income tax credits for the rehabilitation of income producing and residential properties available from the State and Federal governments. The Delaware Preservation Fund also has a semi-annual grant program that offers small grants to the owners of National Register listed historic properties. Listing in the National Register of Historic Places is the first step in making these incentives available to the owners of historic properties in Clayton.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

1) While DelDOT regulations continue to evolve, they don’t know of any that would directly affect Clayton’s comprehensive plan.

2) Significant transportation issues that DelDOT sees that the Town may want to address in their update include the following:

   a) Bicycle and pedestrian facilities, including maintaining and extending the sidewalk network and developing the proposed rail trail on the Clayton-Easton railroad line.

   b) The need for one or more additional connections between downtown and developments on the south side of town. Presently an accident at the intersection of Delaware Route 300 and School Lane would leave anyone in downtown Clayton or Smyrna, including police, fire and emergency medical service, without a good route to Huntington Mills, Providence Crossing, Old Country Farm, or The Winds of Wheatley’s Pond. Similar
concerns could develop regarding connections to the north if the Wright Farm is annexed and developed.

c) Managing traffic through downtown as development to the south and west continues. There are two aspects to this issue. One is creating good routes around downtown. The other is keeping speeds low and otherwise maintaining a safe pedestrian environment on the downtown streets as the traffic that must go through downtown increases.

3) In reading the 2004 Annual Report on Comprehensive Plan Implementation, DelDOT noticed the discussion of annexation issues relating to the Diemeke and Moore properties. They appreciate the care that the Town takes in considering such issues. DelDOT believes it will serve the town well.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Water Resources

Page 21, Chapter 3-1, Wetlands subsection – It is strongly recommended that this subsection include a recommendation requiring all applicants to submit a U.S. Army Corps of Engineers (USACE)-approved wetlands delineation to the Town as part of any approval process for all commercial and residential developments. It is in the Town’s interest to show that it is not issuing any permits that may conflict with federal or State law.

Page 22, Chapter 3-1, Pollution Control – Consider adding the following to this section:

“The Town of Clayton is located within the Smyrna River watershed. The TMDL nutrient reduction required for the Smyrna River watershed calls for a nitrogen and phosphorus reduction of 40% from baseline conditions. Additionally a TMDL for bacteria will require a 75% reduction from baseline conditions.”

Also, insert the following:

“A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a water body. Best Management Practices that would assist the Town in reaching pollution reductions include:

- Wetlands Preservation
• 100-foot Riparian Buffers
• Native Plants
• Cap Impervious Surfaces at 20%
• Protect Open Space
• Prohibiting the Placement of New Lot Lines Within Wetlands
• Use Green Technologies for Stormwater Management

The Total Maximum Daily Load (TMDL) for the Smyrna River watershed was established on December 1, 2006. A PCS will be needed to meet Target Rate Reductions for Nutrients and Bacteria. The reduction targets are 40 percent reduction in nitrogen and phosphorus and 75 percent reduction in bacteria from existing conditions. The next step is to involve the public and develop a PCS through a Tributary Action Team. As the TMDL regulation says, “The Strategy will be developed by DNREC in concert with the Tributary Action Teams, other stakeholders, and the public.”

In advance of any PCS, the Town may address controlling nutrients and bacteria by storm water controls, protecting riparian areas, wetlands and floodplains, buffering aquatic resources and plantings. The New Castle County section of Clayton is treated separately by the Municipal Separate Storm Sewer System (MS-4) Program. Information is available at http://www.deldot.gov/stormwater/whyregulated.shtml

Lyle Jones in the Division of Water Resources, Watershed Assessment Section at (302) 739-4590 is the contact for the formation of a Tributary Action Team. He can also provide additional information for the protection of Clayton’s water resources.

Page 30, Chapter 3-5, Water System - The DNREC Water Supply Section, Ground Water Protection Branch, found wellhead protection areas and excellent ground-water recharge potential areas within the municipal boundary. The language pertaining to source water protection could provide stronger encouragement for the town to protect its water supply.

The Ground Water Protection Branch encourages the Town’s initiative in working with Delaware Rural Water Association (DRWA) to develop a source water protection ordinance. We look forward to reviewing the resulting regulations and providing any assistance to the town as needed.

The Water Allocation Program reviewed the 2005 Town of Clayton Comprehensive Plan. The current water supply is adequate to supply the projected 2030 build-out population of 3,397 residents. The installation of an additional well will provide valuable backup capacity, and will require an amendment to the allocation permit.
Sediment and Erosion Control/ Stormwater Management

The following is a menu of topical recommendations for the Town of Clayton to consider in the update/revision of the Comprehensive Land Use Plan and future ordinances and codes. The recommendations focus on stormwater, flooding, and dam safety. We hope that as you work to revise the Town’s Comprehensive Land Use Plan, codes, and ordinances that you will consider incorporating some or all of these recommendations. Division staff is available to provide clarification or technical assistance if you would find this to be helpful. Please contact Jennifer Campagnini at 302.739.9921 or Jennifer.campagnini@state.de.us for further assistance. Again, we thank you for considering these critical components.

1. Stormwater and water quality

The Sediment and Stormwater Program has staff available to provide information and/or outreach to homeowner associations and the Town upon request on proper maintenance of stormwater best management practices, including ponds.

DNREC recommends a provision in future development ordinances, that as a parcel is redeveloped, if there is an opportunity to incorporate or retrofit to incorporate green technology or conservation design, that it be considered and implemented if practicable.

The Division of Soil and Water Conservation is requesting that the Town require proposed development projects to hold a pre-application meeting with the delegated agency –the Kent Conservation District - to discuss stormwater and drainage prior to the town reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program will begin requiring a pre-application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a pre-application meeting, the applicant must forward a completed Stormwater Impact Study (SIS) to the appropriate Delegated Agency. A draft of the application materials is available. Responsibilities for the various elements of the pre-application meeting shall be as follows:

Applicant

Provide contact information for both owner/developer and consultant.
Submit SIS checklist items.
Record meeting minutes.
Delegated Agency

Schedule the pre-application meeting.
Ensure all relevant topics are addressed during the meeting.
Forward SIS Findings Report to appropriate planning agency.

Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends that this be considered to help resolve drainage issues arising from new construction during and post construction. County/municipal building inspectors would be able to use approved lines and grades requirement to field verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.

Some additional items and information for you to consider:

- The Sediment and Stormwater Program will be reviewing and updating the existing Sediment and Stormwater Regulations over the next year. Most of the State and local regulations have focused on new development. However many existing storm water runoff issues are associated with older developments built prior to the adoption of stormwater regulations in 1990. Managing surface water for quality as well as quantity has become a major focus as well. Awareness of water quality concerns and regulations have required us to explore methods for quality and quantity management in new development as well as opportunities for retrofits and restorations.

- Best management practices: Stormwater management impacts on excellent recharge areas. SWM ponds may be considered impervious cover in these areas. Green technology best management practices which promote infiltration of stormwater are preferred where feasible. Often times, developers prefer the use of ponds for the use of the excavated fill, aesthetics and economics rather than considering alternative practices that may provide better stormwater treatment functions for the site.

- The Division has been seeing more small construction projects without approval from the Delegated Agencies. Sediment and Stormwater Regulations require a Sediment and Stormwater Plan for land disturbing activity 5,000 square feet or greater. Land disturbing activity may be more than the building footprint. Land disturbing activity means a land change or construction activity for residential, commercial, industrial, and institutional land use which may result in soil erosion from water or wind or movement of sediments or pollutants into State waters or onto lands in the State, or
which may result in accelerated stormwater runoff, including but not limited to clearing, grading, excavating, transporting, and filling land.

2. Recommendations from the Governor’s Surface Water Management Task Force

The following is a list of recommendations for municipalities that were recommended by the Governor’s Task Force on Surface Water Management.

A. Local land use and zoning ordinances should be modified to allow and encourage Conservation Design. “Conservation Design should be implemented as a way to reduce reliance on structural stormwater management practices.” According to Randall Arendt, Conservation Design is defined as community design that encourages the preservation of open space and natural areas while enhancing the market value of land development. Conservation Design is relatively new, thus maintenance costs are unknown and estimated costs need to be determined. If this concept is endorsed, the State will review standards, specifications and guidelines to ensure statewide consistency. If Conservation Design utilizing nonstructural stormwater management approaches is more widely accepted, the number of structural facilities will be reduced, thus reducing operation and maintenance costs for those facilities.

[REC #22, GOV SWM TASK FORCE]

B. Stable channels provide the benefit of conveying their water and sediment through the watershed resulting in fewer “maintenance” problems that will require outside attention. Stable channels, while not unchanging, are those that maintain their general dimension, pattern, and profile without excessive sediment deposition and accumulation or downcutting and erosion.

The concept of restoring stream channels to “stable” conditions should be promoted and incentives offered wherever possible to reduce future maintenance costs and improve water quality and habitat and to ensure that proposed solutions will not contribute to additional stream channel instability.

[REC #24, GOV SWM TASK FORCE]

C. Shared stormwater facilities, {or a regional stormwater plan}, should be strongly encouraged to minimize costs, encourage environmental protection, and support ecosystems. Decisions should be made by teams of competent and qualified engineering, scientific, technical, and regulator
personnel (interdisciplinary teams). [REC #21, GOV SWM TASK FORCE]

D. Stormwater Utilities: Stormwater utilities operating at the county or local level should be formed as a funding vehicle for the purpose of providing a simplified and comprehensive approach to drainage and flooding problems. The utility would be a mechanism to provide necessary funding for implementing improved surface water management. [REC #5A, GOV SWM TASK FORCE]

3. Flooding/Floodplain

- The Division is in the process of developing a model Floodplain Ordinance. We can make that available if applicable.

4. Dam Safety

- An inventory of dams is currently being developed by DNREC as well as new regulations. Dams will be classified in three hazard classifications based on impact and risk to public health and safety. Failure of a High risk dam will cause loss of like; failure of a dam with significant risk may cause loss of life, and failure of a low risk dam will not cause loss of life, but may have other impacts. Each classification of dams will have different technical requirements that it must meet when the State Regulations are promulgated. If development occurs downstream of a dam, the hazard class could change. A change in the hazard class could require a dam owner (whether public or private) to have to upgrade a dam to meet the higher technical requirements. Some towns have sewage lagoons with dams that may qualify as a regulated dam.

Contacts

The following programs/contacts can be reached with the address and phone number listed below, unless otherwise noted.

Division of Soil and Water Conservation
89 Kings Highway
Dover, DE 19901
302.739.9921 (ph)

- Drainage and Stormwater Section
  Jennifer Campagnini, Planner
Drainage

Surface water management and the development of a master drainage plan are key elements that are missing in the comprehensive plan. There is potential for the Town to expand to the north that would include the area of the Massy Church Tax Ditch Organization. Within the area of potential expansion is a network of private drainage ditches that convey surface water to existing tax ditches. Well-organized and maintained tax ditches provide the drainage conveyance framework that enables the area to have productive farmland and desirable residences.

Existing tax ditch rights-of-way should be protected from development encroachment to allow for routine maintenance and periodic reconstruction. Routine maintenance primarily consists of mowing ditch bank vegetation and the removal of small blockages. Periodic tax ditch reconstruction involves the removal of sediment from the ditch bottom to reestablish the original design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading within the tax ditch right-of-way.

Consider requiring buffers when land is converted from agriculture to urban uses.
- Streams, tax ditches, and private ditches will require periodic reconstruction at intervals dependent upon the sedimentation load from upstream. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or reestablish a design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading along side the ditch within the tax ditch right-of-way. Tax ditch rights-of-way need to be unobstructed.

- Planting of riparian buffers should consider drainage maintenance. On private ditches, where practical, the buffers should be planted on the south and west side of the ditch to maximize shading. Trees and shrubs should be native species, spaced to allow for mechanized drainage maintenance at maturity. Tree and shrub planting in this manner will provide a shading effect promoting water quality while allowing future drainage maintenance. Trees should not be planted within 5 feet of the top of the bank to avoid future blockages from roots. The buffers as well as the channel banks should be planted with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into the conveyance. Grasses, forbs and sedges planted within this buffer should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities.

- The Town should explore the practice of one-sided construction and maintenance of private ditches and tax ditches providing there is adequate room for maintenance. Work with the DNREC Drainage Program, New Castle Conservation District, and the Massey Church Tax Ditch Association to ensure adequate tax ditch right-of-way is retained for the placement of spoil.

Suggested additions to a subdivision ordinance:

- A 20-foot drainage easement for storm drains, 10 feet per side within subdivisions.

- Open channels within subdivisions require a minimum 20-foot drainage easement as measured from top of bank to allow maintenance access and/or reconstruction.

- Maintenance access along open channels should be dedicated open space.

- Swales within subdivisions would require a 20-foot drainage easement measures from the centerline of the swale, or the width of the swale, whichever is greater.

- Prohibit the routing of major stormwater pipes through yards within a subdivision.
• Encourage the elevation of rear yards within subdivisions to direct water towards the streets where storm drains are accessible for maintenance.

• The Drainage Program requests a 15-foot side yard setback on all subdivision lots with a storm drain on the side. A 15-foot side yard setback will allow room for equipment to utilize the entire 10-foot drainage easement and maneuver free of obstructions if the drainage conveyance requires periodic maintenance or future re-construction.

• The Drainage Program requests a 10-foot drainage easement around all catch basins located on private property to ensure adequate room for maintenance.

• Any catch basin or swale placed in rear and side yards will need to be clear of obstructions and be accessible for maintenance. Decks, sheds, fences, and kennels can hinder drainage patterns as well as future maintenance to the catch basin or swale. Deed restrictions, building setback lines, along with drainage easements recorded on deeds, should ensure adequate future maintenance access.

• Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

• Drainage easements should be for the Town and recorded as such. This gives the Town the ability to hire a contractor for maintenance for the drainage conveyance.

• Tax ditch rights-of-way should be designated open space.

Suggested additions to a Land Development Code:

• The Drainage Program recommends adding the definition of maintenance access, buffer, vegetative buffer, riparian buffer, tax ditch right-of-way, and other such key words to the planning and zoning code.

• The Town of Clayton should identify existing open channels within the town boundary and within future annexation area as these channels may require maintenance in the future. The riparian buffers along the channels provide a
multitude of benefits to water quality and wildlife. Most of the channels have
trees and wetlands adjacent to the channel. There must be a balance between
preserving the riparian buffer and having the capability to access the channel to
perform maintenance. A recommended easement width of 20 feet from edge of
existing tree line, wetland, or top of bank whichever is greater would allow such
access. By identifying such areas now, future development would incorporate the
easement into community open space thereby preserving the riparian buffer while
allowing for channel maintenance access.

- Water bodies, ponds, intermittent and perennial streams, ditches should be
  buffered from development. Existing buffers could be enhanced or new buffers
  planted to obtain 100-foot buffers on each side of the existing water conveyance.
  A minimum 50-foot tree and shrub planting on buffers with the tallest trees
  planted on the south and west side of the water conveyance will maximize
  shading of water. Trees and shrubs should be native species, spaced to allow for
  mechanized drainage maintenance at maturity. Tree and shrub planting in this
  manner will provide a shading effect promoting water quality while allowing
  future drainage maintenance. Do not plant trees closer than 5 feet of the top of the
  bank to avoid future blockages from tree roots. Plant the balance of the 100-foot
  buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the
  reduction of sediment and nutrients entering into water conveyance. Grasses,
  forbs and sedges planted within these buffers should be native species, selected
  for their height, ease of maintenance, erosion control, and nutrient uptake
  capabilities. Remove invasive vegetation prior to the planting of native species.
  The construction of pedestrian and bicycle paths within the outer 50 foot of the
  buffer should be encouraged.

- Wetlands should be protected from development with a 50-foot vegetated buffer.
  Grasses, forbs and sedges planted within these buffers should be native species,
  selected for their height, ease of maintenance, erosion control, and nutrient uptake
  capabilities. Remove invasive vegetation prior to the planting of native species.

- Designate all buffers for water bodies, ponds, intermittent and perennial streams,
  ditches, and wetlands as un-subdivided open space. No portion of any building lot
  should be within the buffers.

- Designate all wetland buffers as un-subdivided open space. No portion of any
  building lot should be within the buffers. During prolonged wet periods, the
  wetland buffers may become too wet for normal residential use. Designation as
  open space will aid in the prevention of decks, sheds, fences, kennels, and
backyards being placed within the buffers thereby reducing nuisance drainage complaints.

- Existing woodland provides valuable wildlife habitat as well as soil erosion protection and water quality filtering. Preserve existing woodland within proposed annexation areas. Do not allow the clearing of woodland to create stormwater management areas. Develop a tree planting guideline, a tree mitigation planting guideline and woodland preservation language to protect the existing woodland from harvest after annexation.

- For new subdivisions, the developer’s engineer should check the existing downstream conveyance and pipes for function and blockages prior to the town’s approval of plans and annexation. The developer should notify downstream landowners of any change in volume of water released on them. The examination of downstream conveyance and notification to downstream landowners should not stop at the town boundary.

- Evaluate the existing drainage patterns within future annexation areas to ensure adequate drainage for the cumulative stormwater impact upon full build out of the annexation area. The town should be mindful of potential stormwater impacts from the town onto county residents.

**Encourage Bicycle and Pedestrian interconnections in new developments.**

- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.

**Minimize impervious surfaces in new developments.**

- The potential Town expansion area would include the Massy Church Tax Ditch. The development of a master drainage plan in conjunction with an impervious cover overlay would allow for the proper maintenance of drainage conveyances while balancing growth to keep the watersheds below 15 percent impervious surfaces.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

**Rare Species and Wetland Habitat Protection**

Wetlands associated with Providence Creek are potential habitat for the federally-listed
bog turtle (*Glyptemys muhlenbergii*). Because the bog turtle is a federally-listed species, protected under the Endangered Species Act, its presence can affect the scope of proposed work. If St. Joseph’s Property is further developed, efforts should be made to avoid impacting within 300 feet of wetlands and coordination with our office will be necessary.

There are numerous rare species documented downstream within Duck Creek, so maintaining adequate (at least 100 feet in width, in some areas 300 feet preferred) upland buffers upstream is extremely important.

**Wetland Habitat Protection**

As described above, upland buffers that border wetlands and riparian areas are important for water quality protection as well as providing critical wildlife habitat. Activities that occur along the Providence Creek, Greens-Branch, and Mill Creek tributaries have the potential to impact downstream water quality and rare species that occur downstream. The plan does mention the importance of wetlands and the need to protect them, but we would like to see specific measures identified in the plan that will accomplish this goal. Firstly, measures should be implemented that would require preservation of 100-foot upland buffers along wetlands and waterways. Secondly, the Town can be more proactive in protecting wetlands by requiring or encouraging restoration measures for those wetland and riparian areas that currently have inadequate upland buffers. Clearing in the past for agriculture and/or development have reduced upland buffers along all of these streams, and especially along Greens-Branch.

**State Fire Marshal’s Office – Contact: Duane Fox 739-4394**

The Delaware State Fire Marshal’s Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established between the Delaware State Fire Marshal’s Office and the Town of Clayton. The State Fire Marshal’s Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency’s approvals are based on the Delaware State Fire Prevention Regulations only.

Additionally, all new development served by the Town’s Water Department shall meet the standards set forth in the Delaware State Fire Prevention Regulations.
Department of Agriculture - Contact: Scott Blaier 698-4500

The Department commends the town for participating in the “pre Plus” process for updating their existing comprehensive plan. The Department offers the comments below for the town’s consideration when you write your plan.

The Department encourages the town to develop and promote agricultural business whenever possible. The Department realizes, and appreciates, that the town has already made a strong commitment to agri-businesses such as: Hanover Foods, Royster-Clark, and a “state of the art” bio diesel plant. DDA would just like to let the town know that the Department now has a fully staffed marketing section, and we encourage the town to contact them at (302) 698-4535 if they need any help.

The Department appreciates the Town’s awareness of surrounding level 4 areas and properties enrolled in the Agricultural Lands Preservation program (page 49). The Department also appreciates the town’s commitment to discuss any annexation and growth west with the Department of Agriculture, among others, prior to taking any action (page 58). We ask that the town’s comprehensive plan have a strong component that supports agricultural land preservation through both the purchase development rights (PDRs) and transfer of development rights (TDRs). The Department would be glad to assist the town with writing this section (302) 698-4532.

The Delaware Forest Service would like to work with the Town of Clayton to develop a comprehensive urban forestry plan that would address relevant issues within the Town. Trees should be considered a part of the Town’s infrastructure just as roads and utilities. Planning to include tree conservation during development, and tree canopy goals would dovetail with goals already stated in the current update of the comprehensive plan. Please contact the Delaware Forest Service at (302) 659-6705 for more information.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

DSHA has reviewed the existing Certified Comprehensive Plan to advise the Town of Clayton of new regulations passed since its certification in 2005 that should be included in their scheduled update.
Since 2005 there has not been new regulations passed for housing, however Delaware and throughout the country have experienced a housing boom and resulting escalation in housing prices. Due to rising home prices, many working individuals and families have been left behind. Comparatively few new homes have been developed affordable to what is termed as Delaware's "workforce households" with incomes below 100 percent of the median income, based on HUD 2006, 100% of median income is $67,500. As a result, DSHA encourages the Town of Clayton to pursue a balanced stock, in the development of their Comprehensive Plan that will allow residents a choice in where they want to live without putting a strain on their purse strings. A balanced housing stock in any town can significantly improve the quality of life for residents and the economic competitiveness of the region. It is imperative to think about housing because Clayton’s housing stock is its largest long-term investment.

DSHA has provided a guide to help assist in writing any town’s housing element: Creating a Balanced Housing Stock: A Guide to Writing Your Town’s Housing Element outlines the steps in preparing a housing element for any Comprehensive Plan. Furthermore, DSHA is willing to work with the Town of Clayton to provide data and technical assistance. In addition to our guide we have developed a website, Affordable Housing Resource Center, to learn about resources to help address the Town's housing needs.

The website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

The guide can also be found on the Affordable Housing Resource Center under Housing Element, or by using the link below.


**Department of Education – Contact: John Marinucci 735-4055**

The Department of Education has no comments regarding new regulations affecting updates to the existing Comp. Plan.
Thank you for the opportunity to review this project. The State agencies look forward to working with the Town as you update your plan. Please feel free to contact us if you need additional information while preparing this update.

Sincerely,

Constance C. Holland, AICP
Director

CC: Linda Raab