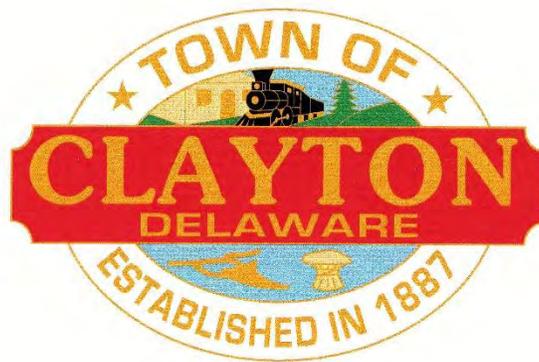


2018 COMPREHENSIVE PLAN UPDATE

Town of Clayton

Kent County and New Castle County, Delaware



Adopted by the Town Council January 14, 2019

Certified by the Governor February 19, 2019

Prepared by

Institute for Public Administration
Biden School of Public Policy & Administration
College of Arts & Sciences
University of Delaware



UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**



STATE OF DELAWARE
OFFICE OF THE GOVERNOR
TATNALL BUILDING, SECOND FLOOR
MARTIN LUTHER KING, JR. BOULEVARD SOUTH
DOVER, DELAWARE 19901

JOHN CARNEY
GOVERNOR

PHONE (302) 744-4101
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February 19, 2019

The Honorable David Letterman
Mayor, Town of Clayton
P.O. Box 1130
414 Main Street
Clayton, DE 19938

RE: Certification of 2018 Town of Clayton Comprehensive Plan

Dear Mayor Letterman,

I am pleased to inform the Town of Clayton that as of January 14, 2019, per the recommendation of the Office of State Planning Coordination, the comprehensive plan for the Town of Clayton is hereby certified provided no major changes to the plan are enacted. The certification signifies that the comprehensive plan complies with the requirements of Title 22, Section 702 of the Delaware Code.

I would like to thank the Town for working with the State to incorporate our comments before adoption. We look forward to working with you as you implement your plan.

Once again, congratulations on your certification.

Sincerely,

A handwritten signature in blue ink that reads "John C. Carney".

John C. Carney
Governor

**AN ORDINANCE BY THE CLAYTON TOWN COUNCIL
ADOPTING THE 2018 TOWN OF CLAYTON COMPREHENSIVE PLAN UPDATE**

WHEREAS, Section 2.1(a) of the *Town Charter of Clayton, Delaware*, states that the Town Council "shall have all the powers granted to municipal corporations and to towns by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted;" and,

WHEREAS, pursuant to Title 22, Section 702(e), which requires that comprehensive plans be updated every 10 years, the Town of Clayton wishes to adopt a 10-year plan update; and,

WHEREAS, the Town's last comprehensive plan update was adopted by the Clayton Town Council on December 8, 2008 and certified by the governor on January 9, 2009; and

WHEREAS, pursuant to Title 22, Section 701 of the *Delaware Code*, the Town of Clayton has established a planning commission which is known as the Clayton Planning and Zoning Committee; and,

WHEREAS, pursuant to Title 22, Section 702(a) of the *Delaware Code* and Section 6.2-3.1 of the *Clayton Zoning Ordinance*, the Planning and Zoning Committee has prepared the *Town of Clayton 2018 Comprehensive Plan Update* which includes the elements required for municipal comprehensive plans contained in Title 22 Section 702(b) of the *Delaware Code*; and,

WHEREAS, pursuant to Section 6.2-3.3 of the *Clayton Zoning Ordinance*, the Planning and Zoning Committee:

1. Reviewed an initial draft of the Plan Update on March 28, 2018,
2. Forwarded a recommended draft of the Plan Update to the Town Council on April 25, 2018
3. Analyzed and recommended responses to the PLUS (Preliminary Land Use Service) review to the Town Council on October 24, 2018; and,

WHEREAS, the Town sought participation and comments from New Castle County, Kent County, the Town of Smyrna, and the Smyrna School District during the entire plan-development process through informal staff-level contact and written invitations to public meetings and hearings; and,

WHEREAS, THE Town also sought participation and comments from the public as follows:

1. Planning and Zoning Committee members staffing a booth at the 2017 Clayton Railroad Days Festival at which attendees were invited to view town maps and to complete a short questionnaire to share thoughts about the Town's assets and needs,
2. A space at Town Hall displaying the just-referenced maps and questionnaire,
3. An invitation to comment on drafts of the Plan Update and share thoughts about the Town,
4. Prior to the Town Council's public hearing on June 11, 2018, a notice was placed in the utility bills sent to each Clayton residential and commercial customer; and,

WHEREAS, on June 11, 2018, the Town Council held a public hearing on a draft of this Plan Update prior to its submission for Preliminary Land Use Service review; and,

WHEREAS, on July 25, 2018, this Plan Update was the subject of a review under the state-mandated Preliminary Land Use Service after which comments were provided in a letter dated August 20, 2018; and,

WHEREAS, at its regular meeting of November 12, 2018, the Town Council, after receiving a recommendation from the Planning and Zoning Committee, approved the Town's response to PLUS comments and a revised plan document that were forwarded to the Office of State Planning Coordination on November 26, 2018; and,

**AN ORDINANCE BY THE CLAYTON TOWN COUNCIL
ADOPTING THE 2018 TOWN OF CLAYTON COMPREHENSIVE PLAN UPDATE**

WHEREAS, in a letter dated November 27, 2018, the Office of State Planning Coordination accepted revisions to the Plan Update for adoption by the town and subsequent certification by the governor; and,

WHEREAS, on December 10, 2018, the Town Council held a public hearing on the Plan Update where all those wishing to speak were given an opportunity to do so; and,

WHEREAS, notice of the December 10, 2018 public hearing:

- (a) Appeared in the *Delaware State News* on December 1, 2018,
- (b) Was posted at the Town offices,
- (c) Has been posted on the Town's website since November 29, 2018; and,

WHEREAS, on December 10, 2018 at the Town Council's regular meeting, this Ordinance was read for the first time; and,

WHEREAS, on January 14, 2019 at the Town Council's regular meeting, this Ordinance was read for the second time; and,

NOW, THEREFORE BE IT ORDAINED that the Clayton Town Council, having reviewed and responded to comments from the Office of State Planning Coordination, considered revisions, and received additional testimony, hereby adopts the 2018 Town of Clayton Comprehensive Plan Update, a final draft copy dated 2018-12-01 which is attached to and made a part of this Ordinance.

AND BE IT FURTHER ORDAINED that minor editing to correct mistakes, incorrect information, or typing errors is authorized.

AND BE IT FURTHER ORDAINED that the 2018 Town of Clayton Comprehensive Plan Update be forwarded to the Office of State Planning Coordination for certification by the Governor.

AND BE IT FURTHER ORDAINED that pursuant to Title 10, Section 8126 of the *Delaware Code*, notice of the action taken by this Ordinance shall be published in a newspaper of general circulation in the Town.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect upon adoption.

ADOPTED this 14th day of January 2019.

BY



David Letterman
Mayor and Council President
Town of Clayton
Kent County and New Castle County, Delaware

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Town Officials and Staff

Elected and Appointed Officials

Town Council	David Letterman, Mayor Alex Dias, Vice Mayor Mary Ellen DeBenedictis, Secretary Nick Smith, Treasurer William Carrow II, Assistant Treasurer
Planning and Zoning Committee	Tom Watts, Chairperson Bill Brockenbrough Tom Ruppert Eddy Seger Wayne Stover
Town Attorney	Scott E. Chambers, Esq. Schmittinger & Rodriguez PA

Town Staff

Administration	Jeffrey A. Hurlock, Town Foreman Sue Muncey, Office Manager Tiffany Adams, Administrative Assistant Melissa Knight, Municipal Clerk
Code Enforcement	Tom Ford
Public Safety	Lt. Carl Hutson, Chief of Police Chris Letterman, Administrative Assistant
Public Works	Jeffrey A. Hurlock, Town Foreman Gary Faulkner, Manager David Ross, Lead Technician Gary Everage, Technician Roland Timmons, Mechanic/Technician

County and State Officials

Kent County

Levy Court

P. Brooks Banta, District 1, President
 Jeffrey W. Hall, District 2
 Allan F. Angel, District 3
 Eric L. Buckson, District 4
 George Jody Sweeney, District 5
 Glen M. Howell, District 6
 Terry L. Pepper, At-Large, Vice President
 Michael J. Petit de Mange, AICP
 Sarah E. Keifer, AICP, Director

County Administrator

Planning Services Department

New Castle County

County Executive

County Council

Matthew S. Meyer
 Karen Hartley-Nagle, Council President
 Kenneth R. Woods, District 1
 Dee Durham, District 2
 Janet Kilpatrick, District 3
 Penrose Hollins, District 4
 Lisa Diller, District 5
 David B. Carter, District 6
 George Smiley, District 7
 John Cartier, District 8
 Timothy Sheldon, District 9
 Jea P. Street, District 10
 David Tackett, District 11
 Bill Bell, District 12
 Vanessa Philips
 Richard E. Hall, AICP, General Manager

Chief Administrative Officer

Land-Use Department

State of Delaware

Governor

Senate

House of Representatives

Office of State Planning Coordination

John C. Carney
 Bruce C. Ennis, Senator, District 14
 David G. Lawson, District 15
 Jeffrey N. Spiegelman, District 11
 William J. Carson, Jr., Representative, District 28
 William Bush, District 29
 Constance C. Holland, AICP, Director

Institute for Public Administration

The *Town of Clayton 2018 Comprehensive Plan Update* was prepared by the Town of Clayton Planning and Zoning Committee with assistance from the Institute for Public Administration (IPA), a unit within the University of Delaware's Biden School of Public Policy & Administration. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

Institute Director

Jerome R. Lewis, Ph.D.

Clayton Plan Update Team

Linda Raab, AICP, Project Manager

Nicole Minni, GISP, Mapping and GIS Support

Troy Mix, AICP, Planning Services Manager

Chapter 1. Introduction

The *Town of Clayton 2018 Comprehensive Plan Update* provides current information on population, transportation, housing, employment, the environment, municipal services, and land use, and it establishes a new municipal growth plan for the town. It articulates the Clayton community's vision for its future and its position on land use and growth. As such, it becomes a guide for decisions on development proposals, annexations, and capital improvements.

As required by state law, this document is a complete re-assessment of the 2008 plan that includes reviewing visions and goals, analyzing demographic and economic data based on current statistics, updating all maps, reporting on the status of development activity, re-examining future land use within town, and reconsidering the annexation area boundary.

Planning Authority

Title 22, Section 701(a) of the *Delaware Code* requires that municipalities develop strategies for:

... the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development, and infrastructure investment actions with those of other municipalities, counties and the State through a process of municipal comprehensive planning.

Section 702(b) of the *Delaware Code* identifies required plan elements. Comprehensive plans for municipalities with populations over 2,000 persons, like Clayton, must be:

... document[s] in text and maps [containing] a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation [that must] demonstrate coordination with other municipalities, the county, and the state ...

Section 702(d) specifies that:

After a comprehensive plan or portion thereof has been adopted by the municipality in accordance with this chapter, the comprehensive plan shall have the force of law and ***no development shall be permitted except as consistent with the plan*** [emphasis added].

Accomplishments

Table 1 lists Clayton’s major planning-related accomplishments that have taken place since adoption of the 2008 Comprehensive Plan Update.

Table 1. Planning-Related Accomplishments 2008–2018

02/14/2011	Contract with First State Inspection Services for plan-review and building inspection services approved; amendment to Subdivision Ordinance adopted that reduces minimum required open space in cluster developments from 60 percent to 30 percent
03/14/2011	Amendment to the Subdivision Ordinance adopted revising the minimum required acreage for open space cluster subdivisions and setting forth standards for the characteristic of dedicated open space
12/12/2011	Comprehensive rezoning following comprehensive plan adoption enacted
11/13/2012	Amendment to Subdivision Ordinance adopted that changes the procedure for amending the Subdivision Ordinance to make them consistent with such changes to the Zoning Ordinance
05/14/2014	Floodplain-management ordinance adopted that is consistent with current federal and state regulations
06/09/2014	Amendment to Subdivision Ordinance adopted requiring a performance bond to ensure that infrastructure improvements required through subdivision are completed
08/11/2014	Ordinance establishing an official map depicting the town boundaries adopted; ordinance and map recorded on September 2, 2014, with the Kent County Recorder of Deeds and on August 25, 2014, with the New Castle County Recorder of Deeds
11/01/2014	Application filed for designation as a Downtown Development District
03/09/2015	Economic Development Committee established, whose members include two council members and three business owners in the town center; Committee’s purpose is to bring new business to, and retain existing businesses in, Clayton’s town center
06/06/2015	Source-water-areas-protection ordinance adopted
05/09/2016	Resolution adopted maintaining Clayton’s Downtown Development District application for the second round of district determinations
08/08/2016	Amendments to the Zoning and Subdivision Ordinances to make requirements for Town Council and Planning and Zoning Committee review procedures consistent in the two ordinances

Chapter 2. Plan Development Process

This section describes Clayton's plan-development process. It includes plan preparation by the Planning and Zoning Committee as required by state law, state review under the Preliminary Land Use Service (PLUS), local public outreach, and Town Council adoption.

On December 8, 2008, Clayton adopted a complete update to its comprehensive plan. The plan was certified by the governor on January 7, 2009. The five-year review of the plan began in early 2014, it was thought that, for the most part, the 2008 Plan seemed relevant and sufficient to guide the town until 2018, but that an amendment should be undertaken to make a few mapping changes and demonstrate compliance with state requirements regarding source-water regulations and recordation of official boundaries.

Following state review of the plan-amendment document in July 2015, it became clear that the items covered in the document, particularly incorporation of the Downtown Development District application in October 2014, and the passage of time had grown the amendment into a full-blown plan update.

Planning and Zoning Committee Review and Recommendation

Title 22, Section 702(a) of the *Delaware Code* assigns responsibility for the preparation of comprehensive plans to planning commissions. Section 6.2-3.1 of the *Clayton Zoning Ordinance* charges the Planning and Zoning Committee with this responsibility. This section documents the Clayton Planning and Zoning Committee's review and recommendation on this Plan Update.

2014–2015

On February 26, 2014, the Planning and Zoning Committee met to kick-off preparation of what began as a plan amendment. The meeting began with a review of the process for preparation of, recommendation to the Town Council on, state review of, and adoption of a plan amendment and the subsequent rezoning required by state law. Committee members then discussed the plan-review issues including boundary recordation and adoption of a source-water-protection ordinance map.

At the meeting of March 26, 2014, committee members reviewed the 2008 Plan. They concluded that the plan is still relevant and will guide growth and development in Clayton for the next five years. They recommended preparation of a document that included:

1. A source-water-areas-protection map as required by Title 7, Chapter 60, Section 6082(b).
2. An updated Future Land Use Map (Map 7 in 2008 Plan) that
 - a. reflects Clayton's town boundary;
 - b. depicts the future land uses adopted in the 2008 Plan on a current parcel map; and
 - c. does not change the future land use for any parcel within the town boundaries.

3. Removes the Wright and People's tracts on the future land use map and references to annexation of these parcels from the text of the plan.
4. Makes changes to the text of many plan chapters; and
5. Adds the Downtown Development District application to the plan.

On April 22, 2015, the Planning and Zoning Committee held a meeting to review a draft of a plan amendment. The draft included the following:

1. Items recommended at the March 26, 2014 meeting;
2. A number of additional items that surfaced between the two meetings including the application for Downtown Development District designation;
3. Updates to the text of a majority of chapters; and
4. A proposed zoning map showing the zoning districts that would be consistent with the land-use map.

The Committee met on May 27, 2015 to seek public input on and review the plan amendment prior to making a recommendation to the Town Council. Two members from the public and a Town Council member attended this meeting. Following a discussion, the Committee recommended a plan-amendment document to the Town Council.

2017–2018

On August 15, 2017, the Planning and Zoning Committee met to review a preliminary draft of this Plan Update and to give direction to consultants at the Institute for Public Administration (IPA) for writing a second draft. Some of the issues discussed at that meeting included public outreach, future land use, and annexation.

On March 28, 2018, the Committee met with consultants to continue its discussion on land use, public outreach, and housing. A number of revisions were recommended.

On April 25, 2018, the Committee met with consultants to review a new draft that contained the recommendations and direction to consultants at the March meeting. After reviewing the new draft, the Planning and Zoning Committee voted to forward the revised draft to the Town Council for submission to the state for review under the Preliminary Land Use Service (PLUS).

Following receipt of the PLUS comments, the Planning and Zoning Committee reviewed a draft of the Town's responses to the PLUS review. On October 24, 2018, the Committee made a recommendation on the responses to the Town Council.

Public Outreach

This section documents Clayton's efforts to solicit public input for the plan.

Railroad Days Exhibit

Clayton kicked off its public outreach efforts at the annual Clayton Railroad Days Festival on October 7, 2017. The Planning and Zoning Committee staffed a booth at the festival. Planning and Zoning Committee and Town Council members alternately spent time meeting festival goers and explaining the comprehensive plan. On display was a map showing future land use and the locations of redevelopment activity in Clayton's central business district. The exhibit also featured a short questionnaire asking passersby to share their thoughts about the town. Six questionnaires were completed at the festival or returned to the town hall.



Clayton Planning & Zoning Committee at Clayton Railroad Days Festival, October 7, 2017, photo by Nick Smith

Town Hall Display

After the Railroad Days Festival, the display and questionnaire were moved to the Town Hall. Town staff invited visitors, residents, and customers to complete the questionnaire and review the map. Three questionnaires picked up at the town hall were returned.

Website Outreach

On January 18, 2018, the following message was placed on Clayton's homepage.

Clayton is in the Process of Updating its Comprehensive Plan. A comp plan is a document and a series of maps that: (1) outlines development goals and objectives; (2) maps the desired locations for homes, shops, and offices in town and in the area that Clayton might want to annex into the town, and (3) serves as the basis for zoning and subdivision laws.

This link can be used to view the 2008 Comprehensive Plan.

<http://www.ipa.udel.edu/localgovt/municipalities/clayton/clayton-comp-plan.pdf>

Please provide a response or comment to townofclayton@clayton-delaware.com.

On May 18, 2018, a link to a draft of the plan document was posted on the town website.

Other Outreach

A notice was placed in the utility bills sent on June 1, 2018 to every residential and commercial customer. The notice was similar to the message placed on Clayton's homepage.

Intergovernmental Coordination

On March 7, 2018, letters were sent to New Castle County, Kent County, the Town of Smyrna, and the Smyrna School District notifying that Clayton was beginning its 2018 comprehensive plan update. These initial letters also encouraged respondents to suggest items that Clayton might include in the plan. No comments or responses were received.

On May 16, 2018, a copy of the draft plan, dated May 8, 2018, was mailed to New Castle County, Kent County, the Town of Smyrna, and the Smyrna School District. These letters also announced a June 11, 2018 public hearing by the Clayton Town Council the purpose of which was to review the draft plan prior to its submission for review under the Preliminary Land Use Service (PLUS). No comments or responses were received.

On August 15, 2018, emails were sent to New Castle County, Kent County, the Town of Smyrna, and the Smyrna School District requesting confirmation that a copy of the plan was received. The email also requested comments. All jurisdictions and the school district confirmed receipt of the plan. No comments were received.

State Review

Title 29, Section 9203 of the *Delaware Code* requires that the state review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the review and comment process.

On July 22, 2015, OSPC and the state agencies involved in the PLUS process reviewed the plan amendment. In a letter dated August 18, 2015, the OSPC provided comments. These comments were considered, and relevant comments were incorporated into this Plan Update.

On July 25, 2018, the PLUS committee reviewed this Plan Update. In a letter, dated August 20, 2018, comments were provided. In a letter dated November 26, 2018, Clayton responded to the PLUS comments.

Town Council Review and Adoption

On June 8, 2015, the Town Council authorized submission of a plan amendment for PLUS review. As stated earlier, the plan amendment became this Plan Update.

On June 11, 2018, the Town Council held a public hearing on a draft of this Plan Update. At its regular meeting following the hearing, the Town Council authorized submission of this Plan Update for PLUS review.

On November 12, 2018, the Town Council received the recommendation from the Planning and Zoning Committee and authorized submission of a revised Plan Update in response to the PLUS review of July 25, 2018.

On December 10, 2018, the Town Council held a final public hearing on this Plan Update at which no comments were received. Also, on December 10, 2018, an ordinance to adopt this Plan Update was read for the first time at the Town Council's regular meeting.

On January 14, 2019, the ordinance to adopt this Plan Update was read for the second time. Following the second reading, the Town Council adopted this Plan Update.

On February 19, 2019, Governor John Carney certified this Plan Update.

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Chapter 3. Location, History, Community Character

Location

Figure 1 depicts Clayton’s regional location in central Delaware. It is strategically situated along the State Route (SR) 1 and U.S. Route 13 corridors about 65 miles south of Philadelphia and 90 miles east of Washington, D.C. Within Delaware, it is 40 miles south of Wilmington and about 15 miles north of Dover, Delaware’s capital city. Routes 1 and 13 connect the Clayton area to the I-95 corridor. State Routes 6 (which becomes Maryland Route 291) and 300 link Clayton to the U.S. Routes 301/50 corridor that connects the area to the western shore of Maryland and into the Washington, Maryland, and Virginia region.

Figure 1. Regional Location Map



Map 1 provides an aerial view of the Clayton vicinity. As the map shows, most of Clayton is in Kent County, but approximately 127 acres are in New Castle County. The town is situated about two miles west of the intersection of U.S. Route 13 and SR 6. Clayton's eastern boundary adjoins the western boundary of the Town of Smyrna. The areas to the west and south of Clayton's corporate limits are mostly a mix of farms, large-lot subdivisions, and a food-processing plant.

Town History

The Town of Clayton owes its existence to the shipping industry. Clayton developed as a railroad town during the 1850s when train tracks were extended through the Delmarva Peninsula. The railroad line had been planned to go through the adjacent Town of Smyrna, but Smyrna's shipping-industry officials and its residents, fearing the fire hazard and the noise of steam engines, persuaded the railroad company to locate its station two miles west of downtown Smyrna.

A small settlement, known as Smyrna Station, developed around the railroad station. Richard Tibbot, who owned much of the land surrounding the station, sold lots to railroad officials. However, his claim to these parcels was challenged after his death, and subsequent problems with land titles impeded Smyrna Station's growth for several years.

Despite the problems with Mr. Tibbot's land titles, the village of Smyrna Station established itself as an important railroad community due to its location at the crossroads of the north-south line and a branch line running west to Oxford, Maryland. By 1860, the village had a hotel, a store, and a post office. The 1870 United States Census listed Clayton's population at 114. In the early 1880s, formal education was established. In 1887, the State Legislature authorized the incorporation of Clayton as a municipality, and the town's first election was held in the same year.

The first reference to the name "Clayton" appeared in honor of John M. Clayton, a prominent Delaware attorney and public official. Clayton, an early supporter of the railroad, was elected to the Delaware House of Representatives in 1823 and later served as Governor Samuel Paynter's Secretary of State. He won three, non-consecutive terms in the United States Senate between 1829 and 1853 and was Secretary of State under President Zachary Taylor from 1949 to 1951.

During the first half of the twentieth century, Clayton's development paralleled the cyclical ups and downs of the railroad. In 1907 a second set of tracks was laid, and the increased movement of goods by rail during World War I brought prosperity to the town. By this time, a fire company had been organized, a two-story, four-room school had been built, and the Clayton Bank and Trust Company had been established.



Clayton Fire Company, undated photo from the Delaware Public Archives, posted on Town website, www.clayton.delaware.gov

Between 1950 and 1960 Clayton headed in a new direction. The railroad, which had driven Clayton's economic engine for its first 100 years, had stopped dead in its tracks. Clayton's economic prosperity now hinged on the growing economy of Kent County. New job opportunities materialized in the Clayton area to replace the jobs once provided by the railroad. The W.L. Wheatley Company's food-processing plant expanded its operations, and the Leeds Travelwear Company located a plant in Clayton at the southeast corner of North Bassett Street and Duck Creek Parkway.

More recently, Hanover Foods took over the W.L. Wheatley Company facilities in 1991. The property, on which the Leeds Plant was located, is now the Clayton-Smyrna Industrial Park.



Undated photo from the Delaware Public Archives posted on Town website, www.clayton.delaware.gov

Community Character

Description

The major attraction of Clayton today is its pleasant, small-town atmosphere. Most of the homes in the oldest parts of town are attractive and in good repair. Annexation of a number of properties in the western part of the town between 2003 and 2005 has enabled Clayton to diversify its housing stock, thereby providing opportunities for young families to settle, and remain, in town. Yet, at the same time, infill development has taken, and is taking, place east of the railroad between State Route (SR) 6 and SR 300 in areas ignored during the development boom of the early 2000s.

Clayton has a true town center along Main Street (SR 6) extending from the Norfolk Southern rail line west to School Lane. Main Street's commercial area supports a variety of small, retail, and service enterprises and has been undergoing a revitalization since 2012. To support this revitalization, the Town Council established an Economic Development Committee in 2015; this committee is charged with ensuring that Clayton has a thriving business community. The Main Street area is walkable, with sidewalks on both sides of the street. It is also the civic center of the town. An elementary school, the town hall, the post office, the fire company, and a senior center are located in the area.

In addition to the town center businesses, there are several small contracting and manufacturing establishments. These are concentrated on the east side of the Norfolk Southern rail line along Bassett Street. Also located on Bassett Street opposite the rail line is the Smyrna-Clayton Industrial Park.

Most of Clayton's working residents are employed outside of the town. The railroad, which spawned the town, continues to exert a major influence because of the size and location of its substantial land holdings.

Position

Clayton's position on community character is maintenance of a small-town atmosphere. Responses to the questionnaire in Appendix A support this position. Most of the respondents expressing what they like about Clayton identified its small-town living, walkability, and peaceful environment. They went on to indicate a preference for Clayton remaining "pretty much as it is."

When asked what changes might be warranted in town, some respondents wanted more shops and stores. The types of desired businesses included a corner store selling milk and bread and a deli.

Regarding growth, there was one response supporting growth, but most advocated for no growth, and one respondent was not sure about growth.

Clayton intends to maintain the small-town environment that it has enjoyed since its founding. The goals and recommendations for consideration in this plan show how the Clayton community intends to maintain a small-town environment while managing the challenges of development pressures and providing services and infrastructure.

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Chapter 4. Planning Environment

Clayton's planning environment consists of more than its own plans and policies. This chapter summarizes plans and policies of the state of Delaware, New Castle County, Kent County, and the Town of Smyrna. Together with Clayton's planning issues, state, county, and other relevant municipal plans form the backdrop for Clayton's 2018 Comprehensive Plan Update.

State of Delaware

For more than 40 years, the State of Delaware has wrestled with growth management and the wise investment of state funds. Beginning with the State Planning Council in 1959, state officials have pursued a variety of strategies to channel development to existing communities, preserve farmland, provide employment opportunities, and maintain a high quality of life.

State Strategies

In 1999, the Cabinet Committee on State Planning Issues adopted the *Strategies for State Policies and Spending*, outlining needs and concerns for future state planning and growth, and identifying geographic areas where the state was most prepared for growth. This document was updated in 2004, 2010, and 2015.

The *State Strategies* are important because municipal and county comprehensive plans must consider them in the development of future land use within their boundaries and, for municipalities, the identification of annexation areas. The *State Strategies* document classifies the entire state into four investment levels based on the predominant type of development. These levels form the basis for identifying locations where state-supported growth should occur and establishes guidelines for state investment in those areas. The state is most prepared for growth to occur in Levels 1 and 2 and plans to channel intensive investments, such as new schools, roads, state service centers, and public-safety facilities, in these areas. In Level 3 areas, development, and therefore state investment, is not anticipated in the immediate future. These areas are adjacent to, and sometimes within, built-up areas in Levels 1 or 2. In Level 4 areas, state investment will be made only when necessary to preserve the rural character of these lands.

Out-of-Play Areas are not available for development or for redevelopment. In these areas, the state intends to expend funds primarily on land maintenance and management and environmental protection and mitigation, with some development of public facilities that further health, safety, and welfare goals. Other out-of-play areas include protected lands under the New Castle County Unified Development Code (UDC) and floodplains in Kent County.

As Map 2 shows, Clayton's corporate limits are mostly within Investment Levels 1, 2, and 3. Level 1 areas reflect the town boundaries as of the late 1990s. Levels 2 and 3 are areas annexed into Clayton between 1999 and 2005. Most of these areas are nearly built out, under

development, or the subject of development plans. Approximately 240 acres, located in the southwestern part of Clayton between Underwoods Corner Road and Wheatleys Pond Road (SR 300), are in Level 4. Out-of-play areas include floodplains protected by both New Castle and Kent Counties.

Agricultural Preservation Areas

Map 2 also depicts land in Delaware's Farmland Preservation Program. Authorized by the Delaware Agricultural Lands Preservation Act of 1991 (House Bill 200), the program aims to strike a balance between two important goals:

1. Preserving a critical mass of crop land, forest land, and open space to sustain Delaware's quality of life.
2. Providing landowners an opportunity to preserve their land in the face of increasing development pressures and decreasing commodity values.

Delaware's farmland preservation program is a voluntary program that authorizes the creation of preservation districts and easements.

- *Agricultural Preservation District*—In order to be considered for designation as an Agricultural District, a property must consist of at least 200 contiguous acres of agricultural or forest land. Areas of lesser acreage may qualify if adjacent to or within a three-mile radius of an existing district. Once designated as a district, the property must be used for agriculture or forest land for ten years. At the end of ten years, a property owner may continue to participate in the district program for five-year increments.
- *Agricultural Easement*—Delaware's farmland preservation program provides for purchase of the development rights of agricultural or forest lands. While enrolled in the Agricultural Preservation District program, a landowner may sell the right to develop their farm to the state of Delaware. Once the land's development rights have been sold, a farmland preservation easement becomes a permanent part of the property deed of record, thus preserving the property as farmland forever.

No Agricultural Preservation Districts or Easements are within Clayton's corporate limits, and none are proposed for annexation. However, a number of parcels in farmland preservation are located west of the town in both New Castle and Kent counties.

There are no forest conservation easements in the Clayton vicinity.

New Castle County

New Castle County's plans and policies are important because there is one property in Clayton's corporate limits that extends north of Providence Creek into the county. In addition, the Clayton community supports maintaining the existing rural character of the area north of Providence Creek, which forms the boundary between New Castle and Kent Counties.

Ensuring the rural character of southern New Castle County, which includes the area north of Providence Creek between the Middletown-Odessa-Townsend area and the Clayton-Smyrna area, is a cornerstone of the county's land-use program. Since 1997, New Castle County comprehensive plans have advocated directing development and redevelopment to the northern parts of the county and to the Middleton-Odessa-Townsend vicinity. Consistent with the Level 4 classification in the *State Strategies*, the county plan designates the area north of Providence Creek for "Resource and Rural Preservation" with a "Very Low" density of no more than "0 to 1 Dwelling Units Per Acre." This means that the area is not planned for "significant infrastructure investment" because it is not financially feasible to provide the high level of services expected in an urban or a suburban environment, particularly sewer service. The plan also designates the area as a TDR (transfer of development rights) sending area. A TDR program allows property owners to sell and transfer their development rights to properties (receiving areas) in locations earmarked for urban services.

Kent County

Kent County's plans and policies are important for Clayton's planning efforts because, except for the New Castle County portion of the St. Joseph's property, Clayton's corporate limits are in the county. In addition, Clayton receives a number of services from the county, particularly sewer service. Finally, the most likely properties for annexation into Clayton are located in Kent County west and southwest of Clayton's current boundaries along Millington Road (SR 6) and Wheatleys Pond Road (SR 300) to Alley Corner Road (SR 15).

Like New Castle County, Kent County's land use actions have underscored a commitment to agricultural preservation and growth management. Responding to the 1995 *Cabinet Committee on State Planning Issues Report*, the Levy Court enacted a 1996 ordinance establishing a Growth Zone Overlay aimed at strengthening the county's ability to conserve farmland and direct growth to areas where infrastructure was either in place or planned. This ordinance continues as the foundation of the county's development strategy guiding decisions on where investments in public infrastructure and services should be made.

With regard to unincorporated areas surrounding towns like Clayton, the draft 2018 Kent County Comprehensive Plan proposes the following:

Medium to high densities would be considered appropriate for properties near cities and towns ***provided the development density and design are in keeping with the character of the surrounding area.*** [Emphasis added]

The approach in these [town] areas is to recognize and protect the essential land use and aesthetic character of the cities and towns and the values they foster.

Town of Smyrna

Smyrna's plans and policies are important for Clayton because most of Clayton's eastern boundary adjoins Smyrna's western boundary. In addition, both Smyrna's and Clayton's boundaries create enclaves around a number of parcels in Kent County. Further, the boundary line between the two towns bisects the Town and Country Subdivision (formerly the Johnson Farm), located between SR 6 and Duck Creek Parkway, adjacent to Smyrna High School. Finally, Smyrna has experienced and will continue to experience growth as the Town implements the annexation strategy adopted in the 2002 Plan. Some of this growth has affected Clayton's land-use decisions, particularly in the Smyrna Industrial Park and the health-care facilities located at the intersection of SR 300 and Carter Road.

The growth annexation element of Smyrna's plan updates and amendments through 2012 identifies the railroad south of Wheatleys Pond Road (SR 300) as the town's western boundary. It also recommends that annexation petitions from properties between the boundaries of Clayton and Smyrna—the Spruance City and SR 300 area—be evaluated on a case-by-case basis and in consultation with each other. Accordingly, the Smyrna plan's growth-area map depicts Smyrna's ultimate boundaries as co-terminus with the areas proposed for annexation in this Plan Update. If Clayton and Smyrna are able to annex the areas depicted in their current comprehensive plans, the Kent County enclave between the two municipalities will be eliminated.

Town of Clayton

This section chronicles Clayton's comprehensive planning history. It also describes the environment in which planning and land-use regulation are conducted in the town.

Planning History

1978 Comprehensive Plan

Clayton adopted its first comprehensive plan in 1978. The most significant outcomes of that plan were the adoption of the town's first zoning map, zoning ordinance, and subdivision regulations in 1979. Over the following 20 years, the Town annexed the Wheatleys Pond and Longwood Lane communities and a small parcel on the north side of SR 300 across from the Smyrna Industrial Park.

1996 Comprehensive Plan

In 1996, Clayton became one of the first Delaware municipalities to adopt a new comprehensive plan in response to the Shaping Delaware's Future initiative. The 1996 plan recommended annexation of the Hanover Home Farm and the St. Joseph's Industrial School property. The owners of the Hanover Home Farm have not requested annexation, and the property remains undeveloped. The Clayton Town Council annexed the St. Joseph property in

1998. This annexation is significant because the St. Joseph holdings extend into New Castle County.

The 1996 plan also recommended that the 1979 zoning and subdivision ordinances be updated. In 1998, the Town Council adopted a completely revamped zoning ordinance. A year later the Council adopted updated subdivision regulations. In 2000, the town was comprehensively rezoned to implement the land uses recommended in the 1996 plan.

2002 Plan Update

Following guidelines from the Office of State Planning Coordination, the Town updated its plan in 2002. Consistent with the 1996 plan, the 2002 plan update recommended annexation of the Hanover Home Farm. It also recommended annexation of several properties west of Clayton, including the 84-acre Davis Farm (Huntington Mills), the 182-acre Lester Farm (Providence Crossing), 15 single-family homes opposite the Wheatleys Pond subdivision, and the 2.4-acre Lebanon Corporation property (once operated as a fertilizer plant) located at the southeast corner of Wheatleys Pond Road and the railroad. To the east of Clayton, the plan update recommended the annexation of the Dennison Area located on the north side of Duck Creek Parkway east of the Clayton Courts Mobile Home Park and 15 properties near the intersection of SR 6 and 300.

2003 and 2004 Plan Amendments

Between 2003 and 2004, two amendments were made to the land-use map adopted in 2002. The first, adopted on July 14, 2003, changed the land use for two parcels located at the northwest corner of South Bassett Street and Wheatleys Pond Road from industrial to commercial. The second amendment, adopted March 8, 2004, changed land uses on two properties. The land use for the 3.75-acre Southern States property, located on the east side of School Lane between Clayton Elementary and the railroad spur, was changed from residential to industrial to allow the construction of a state priority economic-development project. The 4.7-acre Stoney Knoll Farm (Grain Mill Station), located on the north side of Main Street, was changed from part-residential and part-industrial land uses to residential to resolve an inconsistency between the land use and zoning maps and assign a single land use classification to the entire parcel.

Two annexations, proposed in the 2002 plan update, occurred during this time period. In 2003, the Town annexed the 84-acre Davis Farm (Huntington Mills). In 2004, the 182-acre Lester Farm (Providence Crossing) became part of Clayton.

2005 Plan Amendment

In 2005, the Town amended its comprehensive plan once again. This plan amendment consolidated the provisions of the 2002 update, the 2003 amendment, and the 2004 amendment into a single document. It also updated information on population, transportation, housing, employment, the environment, municipal services, and land use. In addition, a significant number of developed and undeveloped properties, covering about 340 acres in the

area between Underwoods Corner Road and Wheatleys Pond Road (SR 300), were added to Clayton's annexation area. The largest of these was the 163-acre Diemeke Farm (Old Country Farm), slated for 412 single-unit-detached homes at a density of about three dwellings per acre. As part of the development-review process for this parcel, 25 acres were dedicated for the Clayton Intermediate School, and two acres were set aside for a water-storage facility. The second largest parcel recommended for annexation was the 76-acre Green Gable Farm for which annexation has not been requested. The developed properties included the Pheasant Pointe and Byler subdivisions, located on the south side of Underwoods Corner Road near its intersection with Wheatleys Pond Road.

2008 Plan Update

The 2008 Plan update, adopted December 8, 2008 and certified by the Governor on January 7, 2009, continued many of the goals and objectives of Clayton's prior plans. A significant aspect of this plan update was an addition to the annexation area of the 175-acre Wright Farm that would extend Clayton's town limits further into New Castle County. Annexation and development of the Wright Farm would be permitted in return for permanent preservation of the nearby Peoples Farm, but the Peoples Farm was not proposed for annexation. A petition for annexation of the Wright Farm was never filed, and in 2013 the farm entered the state agricultural preservation program.

Planning and Development Management

Clayton has an active Planning and Zoning Committee. The Committee consists of five members, with the chairperson elected from among them each year. In accordance with state law, the Committee prepares the comprehensive plan. It also makes recommendations to the Town Council on nearly all development-related matters.

The Town exercises authority over planning, zoning, and subdivision within its boundaries. The town foreman supervises the day-to-day administration of development-related codes and regulations. He/she administers the zoning and subdivision ordinances and often provides staff expertise to the Town Council, Planning and Zoning Committee, and Board of Adjustment.

In 2002, Clayton assumed responsibility for a number of development-management functions from Kent County. In 2004, local-service functions (inspections, regulations, and permits) were transferred from Kent County to the Town. Initially, town staff performed the local-service functions; but, since 2006, the Town has contracted with a private firm for code enforcement, building-plan review, and inspections.

Chapter 5. Demographic and Economic Profile

Demographic Profile

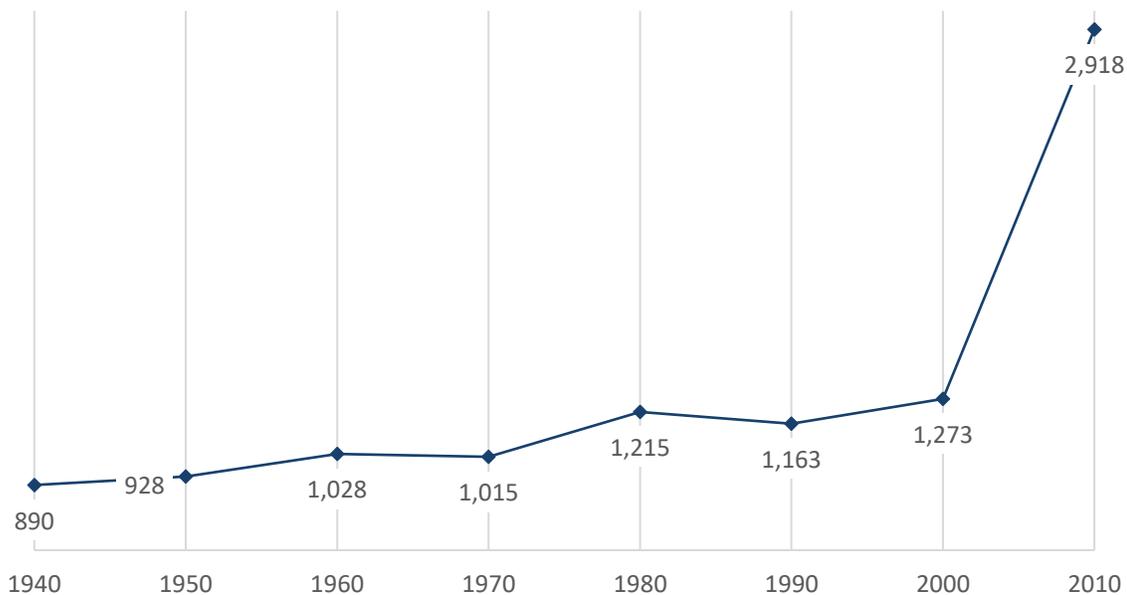
Population

This section charts Clayton’s population trend from 1940 to 2010 and estimates population growth through 2050.

Population Trend

Figure 2 shows Clayton’s population trend from 1940 to 2010. Between 1940 and 2000 Clayton’s population grew unevenly averaging about 6.4 percent per year. However, the first decade of the twenty-first century saw Clayton’s population skyrocket by nearly 130 percent.

Figure 2. Clayton Population Trend 1940–2010



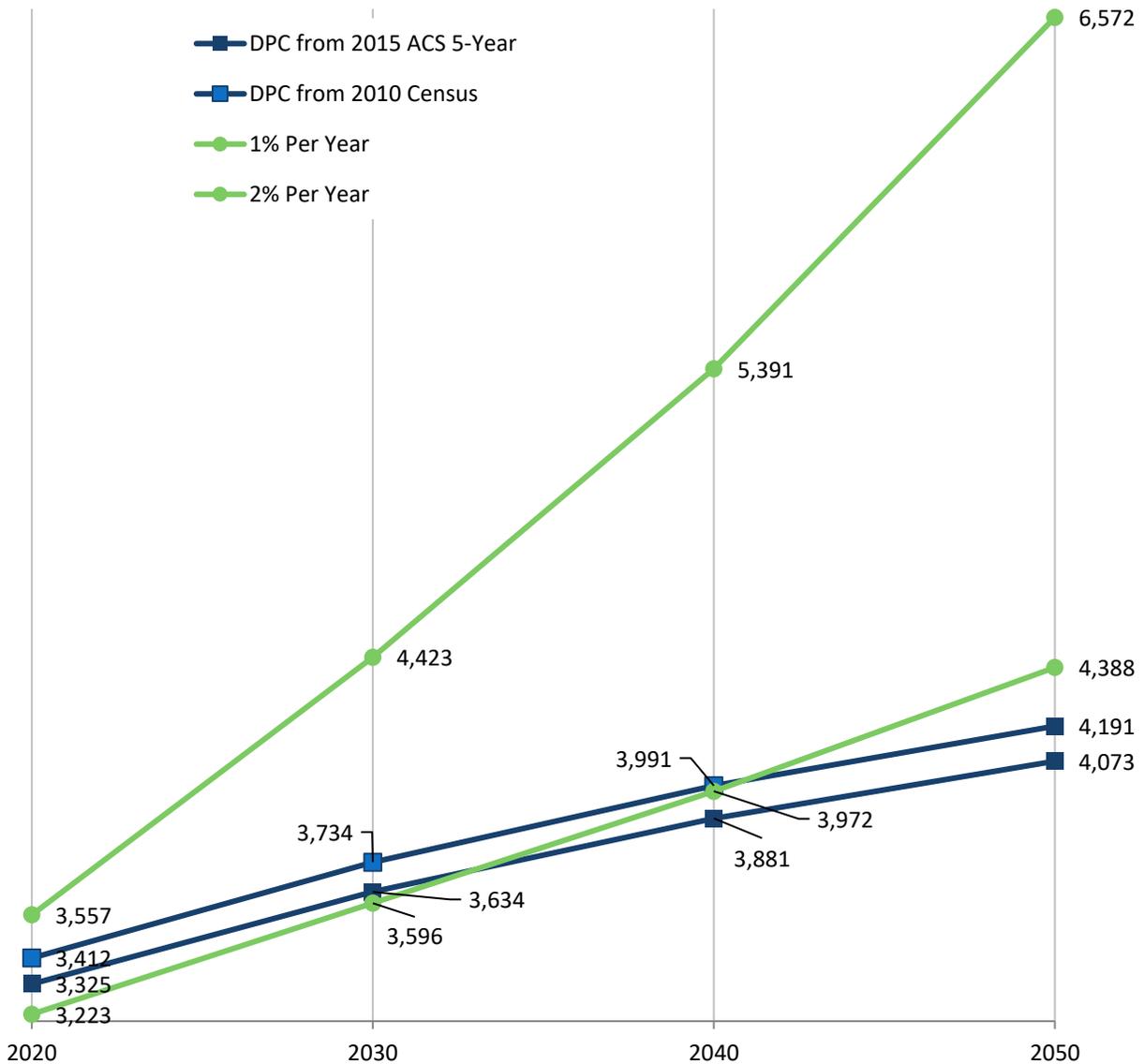
Source: U.S. Census Bureau, decennial censuses 1940–2010.

Population Projection

Population projections for small towns like Clayton are difficult, because data inaccuracies and/or the assumptions used for forecasts can result in large errors, or results that simply do not make common sense. As Figure 2 demonstrates, Clayton’s uneven population trend provides little basis for a reasonable estimate of future population. For example, if Clayton’s population were to grow at an average of 6.4 percent per year as it did between 1940 and 2000, the town would reach 10,000 by 2030 and 37,000 by 2050.

Figure 3 presents two sets of population growth estimates in ten-year increments from 2020 to 2050. These projections were calculated in two ways.

Figure 3. Clayton Population Projections, 2020–2050



Source: DPC projections from Delaware Population Consortium, *Annual Population Projections*, Dover, DE, October 26, 2017, p. B-1; projections of one- and two-percent per year growth computed by IPA.

Delaware Population Consortium

The dark blue lines in Figure 3 are projections made by the Delaware Population Consortium (DPC). The consortium is an informal, cooperative organization that includes state, county, and local governments. Since 1975, DPC has published population and household projections for the state of Delaware; New Castle, Kent and Sussex Counties; and Dover, Newark, and Wilmington. In 2017, the consortium calculated population projections for every Delaware municipality (www.stateplanning.delaware.gov/information/dpc/DPC2017v0.pdf).

As Figure 3, shows, DPC calculated two population estimates. The basic difference between the two estimates is that one starts with the Census 2010 population and the other starts with the

American Community Survey. The projection titled “DPC from 2010 Census” is based on “...the compound annual growth rates of population using as a base the 2010 Decennial Census population for each municipality, which then are applied over the period 2015–2050.” Similarly, the “DPC from 2015 ACS 5-Year” projection begins with “...the most recent 2015 ACS (American Community Survey) population estimates to compute compound annual growth rates, which then are applied over the period 2020–2050.”

Annual Growth Assumption

The light blue lines in Figure 3, assume even annual growth rates between 2020 and 2050. The “1% Per Year” estimate projects population growth at one percent per year, about ten percent every ten years. The projection “2% Per Year” estimate anticipates two percent annual growth, about 20 percent every ten years.

Racial Composition

Clayton’s racial composition is shown in Table 2. As the table indicates, 97 percent of Clayton’s total population identify themselves as belonging to one race. Of those indicating a single race, nearly 70 percent are white, almost 25 percent are black/African American, and three percent are other than white or black/African American.

Table 2. Clayton Racial Composition

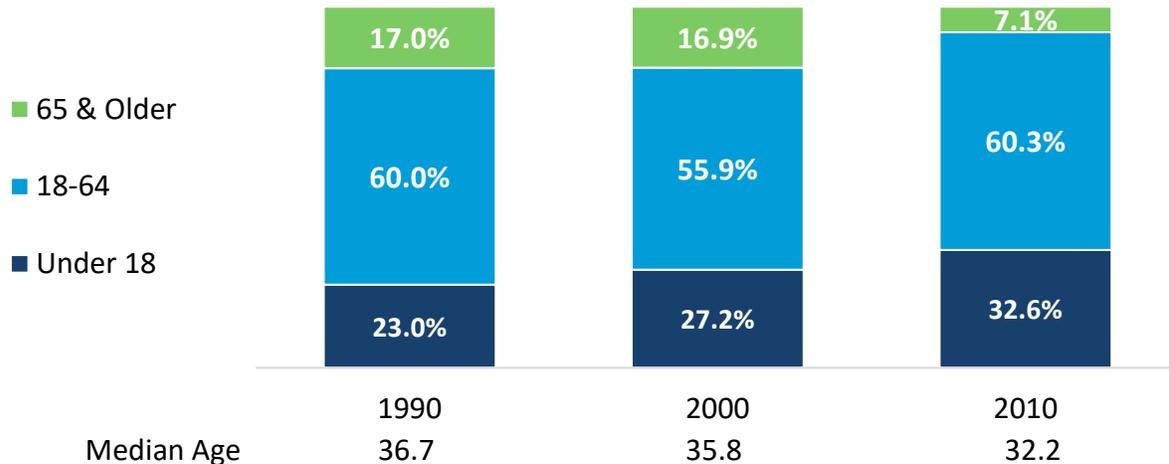
	One Race	
	<i>White</i>	69.6%
	<i>Black/African American</i>	24.6%
<i>Other than Black/African American (Includes American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and all other races)</i>		3.1%
	Total One Race	97.3%
	Two or More Races	3.1%
	Total	100.0%

Source: American Community Survey 5-Year Estimates 2010–2014, Selected Social Characteristics, Table DP01.

Age Profile

Figure 4 presents Clayton’s age profile. Simply put, Clayton has become younger. The median age dropped from 36.7 in 1990 to 32.2 in 2010. The percentage of seniors decreased while the proportion of young and working age people increased. This is likely the result of the continuing buildout of the annexations that took place between 2003 and 2005.

Figure 4. Clayton Age Profile



Source: U.S. Census 1990, 2000 & 2010.

Educational Attainment

Table 3 summarizes educational attainment for Clayton, Kent County, and Delaware. Eighty-six percent of Clayton and Kent County residents have graduated from high school. By comparison, 88 percent of Delawareans reported having received high school diplomas. Twenty-two percent of Clayton and Kent County residents hold a bachelor’s degree, while 30 percent of the state’s population had completed college.

Table 3. Educational Attainment, Clayton, Kent County, and Delaware for Population 25 Years and Older

	High School Graduate or Higher	Bachelor’s Degree or Higher
Clayton	86.4%	22.3%
Kent County	86.4%	22.5%
Delaware	88.4%	30.0%

Source: U.S. Census Bureau. American Community Survey 5-Year Estimates 2011–2015, Selected Social Characteristics, Table DP02.

Economic Profile

Income and Poverty

Table 4 presents a comparison of income levels and income sources for Clayton, Kent County, and Delaware. It shows that Clayton’s median household and family income levels are higher than that of the county and the state. Clayton also has proportionally fewer households with retirement and/or social-security income than Kent County and Delaware. However, Clayton’s proportion of families living below the poverty line is substantially higher than that of Kent County and Delaware families.

Table 4. Household Income, Clayton, Kent County and Delaware

	Clayton	Kent County	Delaware
Median household income	\$65,612	\$54,976	\$60,509
Households with earnings	85.8%	77.1%	77.3%
Households with social-security income	25.5%	33.8%	33.0%
Households with retirement income	17.1%	26.1%	23.6%
Median family income	\$67,340	\$64,252	\$72,993
Families with income below poverty line in past 12 months	13.0%	9.9%	8.2%

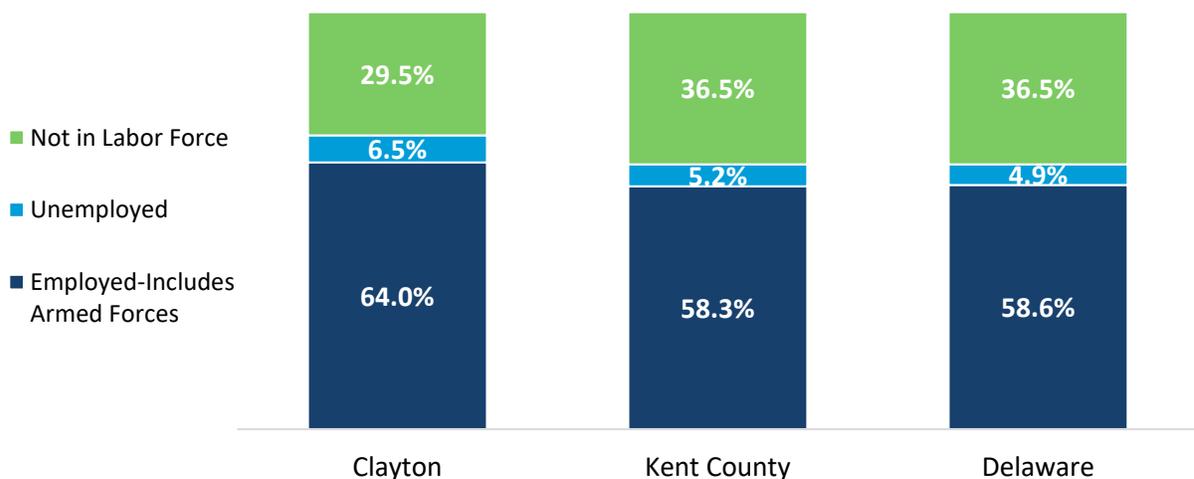
Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Economic Characteristics, Table DP03.

Employment and Unemployment

Figure 5 portrays the employment status for Clayton, Kent County, and Delaware. The percentage of unemployed persons is fairly low in all three jurisdictions, which would generally indicate that those looking for work are able to find it. At first glance, Clayton’s employment profile indicating that nearly 30 percent are not in the labor force (i.e., those able, available, and seeking work) seems inconsistent with the image in Figure 4 of a “younger” Clayton. However, considering that almost one-third of Clayton residents are under age 18 and are not likely to have entered the labor force, the employment profile in Figure 5 begins to make sense.

Both Kent County and Delaware have higher percentages of residents that are not in the labor force than Clayton. In addition, the percentage of employed persons is lower in both jurisdictions than in Clayton.

Figure 5. Employment Status, Clayton, Kent County, Delaware

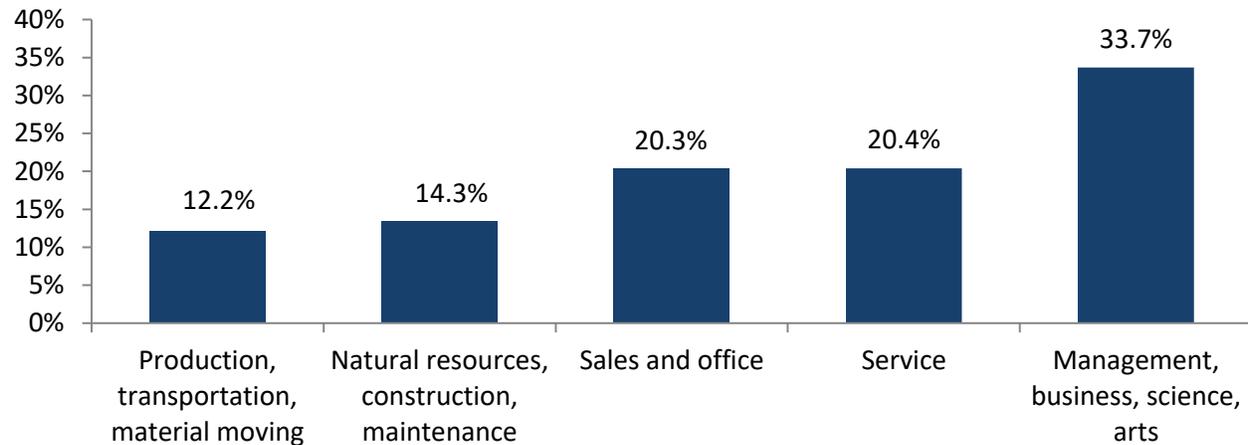


Source: U.S. Census Bureau, 2010–2014 American Community Survey 5-Year Estimates, Selected Economic Characteristics, Table DP03.

Occupations

Figure 6 summarizes the types of work that residents of Clayton do—their occupations. “Occupation” is not to be confused with “industry,” which refers to a type of business. The figure shows that nearly 75 percent of Clayton residents work in management, service, sales or office jobs.

Figure 6. Occupations for Clayton Residents

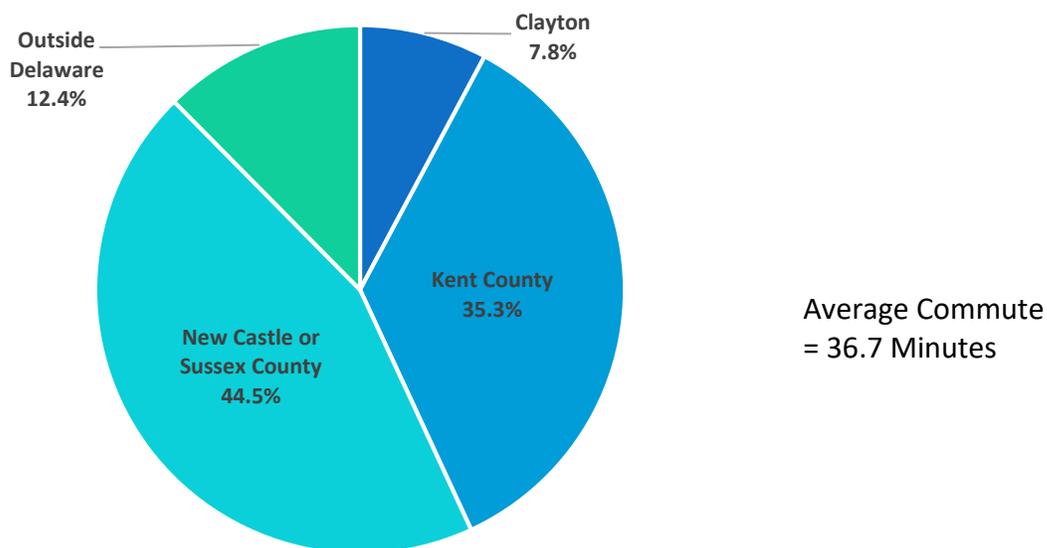


Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Economic Characteristics, Table DP03.

Journey to Work

Figure 7 shows that Clayton residents are more likely to work outside of Delaware, in New Castle County, or in Sussex County and that their average commuting time is almost 37 minutes.

Figure 7. Work Locations and Commuting



Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Table S0802.

Chapter 6. Natural Features

Description

This section describes sensitive natural features. It includes topography, geology, soils, streams, water bodies, flood-hazard areas, and wetlands.

Geology and Soils

Clayton, as well as the rest of Kent County, is located within the Atlantic Coastal Plain physiographic province. The Atlantic Coastal Plain consists of geological formations comprising deep-lying crystalline rocks covered with layers of gravels, sands, and clays. The layers that make up the Coastal Plain dip gently toward the Atlantic Ocean from northwest to southeast.

Figure 8 identifies soil classifications in the Clayton vicinity. The map also identifies parcels participating in the state's farmland preservation program described in Chapter 4. Most of the land being farmed, regardless of its inclusion in the farmland preservation program, is located south and west of Clayton and north of Providence Creek in New Castle County.

Soils in the Clayton area include Sassafras, Reybold, Downer, and Pineyneck series soils. These soils are highly productive, well drained, and generally not subject to flooding. Thus, they are suitable for both development and agriculture.

The areas shown in white on the soils map are not suitable for agriculture. These areas are in the urbanized parts of the Clayton vicinity, adjacent to streambeds, and/or in flood-hazard areas.

Topography

Clayton's topography can be characterized as gently sloping. As Figure 9 indicates, elevations range from a low point of 15 feet above sea level at the sewage-lift station, located on Providence Creek near the railroad tracks, to a high point of 55 feet in the Old Country Farm community located between Wheatleys Pond Road (SR 300) and Underwoods Corner Road. Slopes within the town limits are generally five feet or less. There are few areas with slopes greater than five feet near streambeds.

Figure 8. Clayton Vicinity Soils Classification

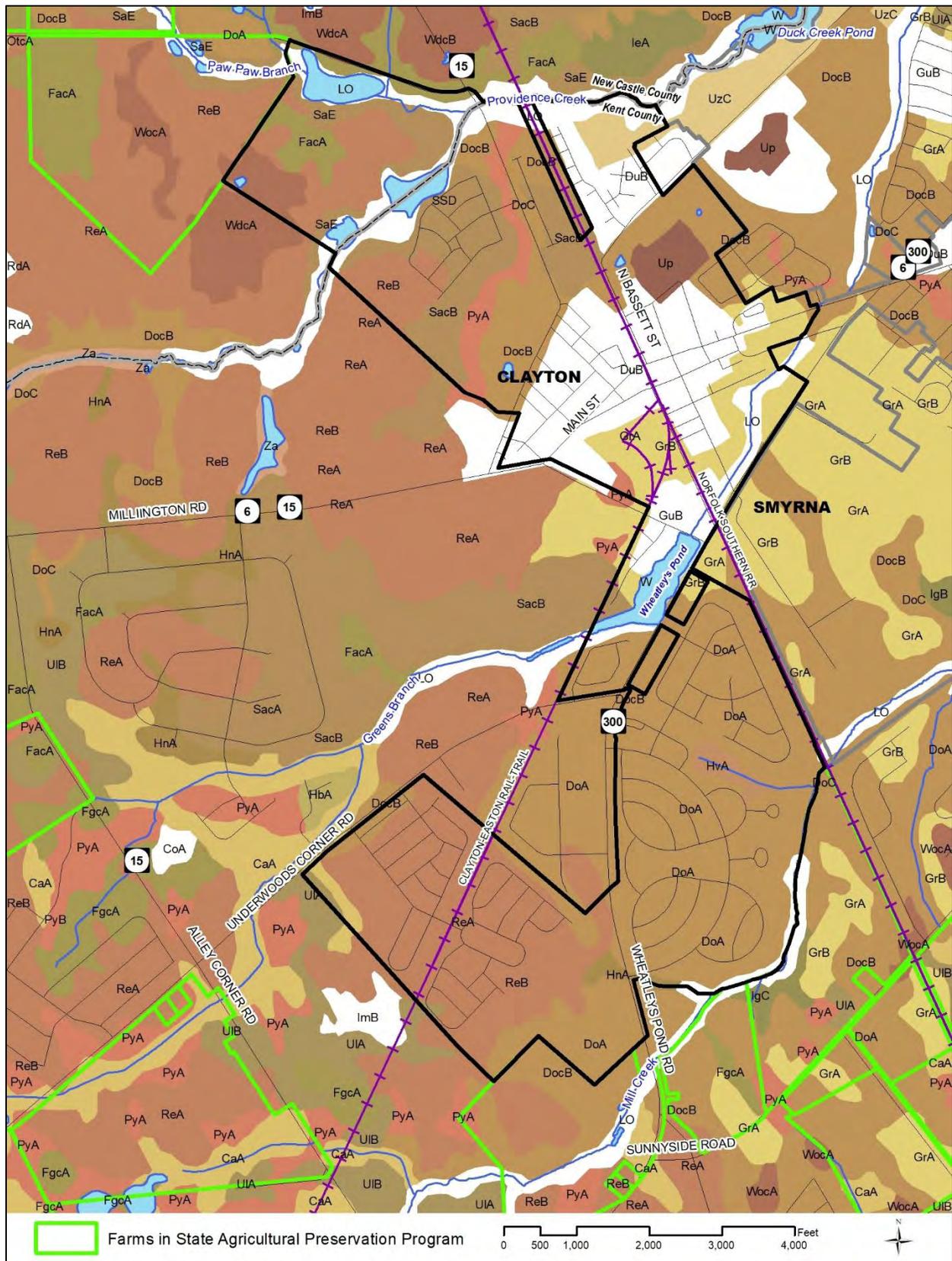
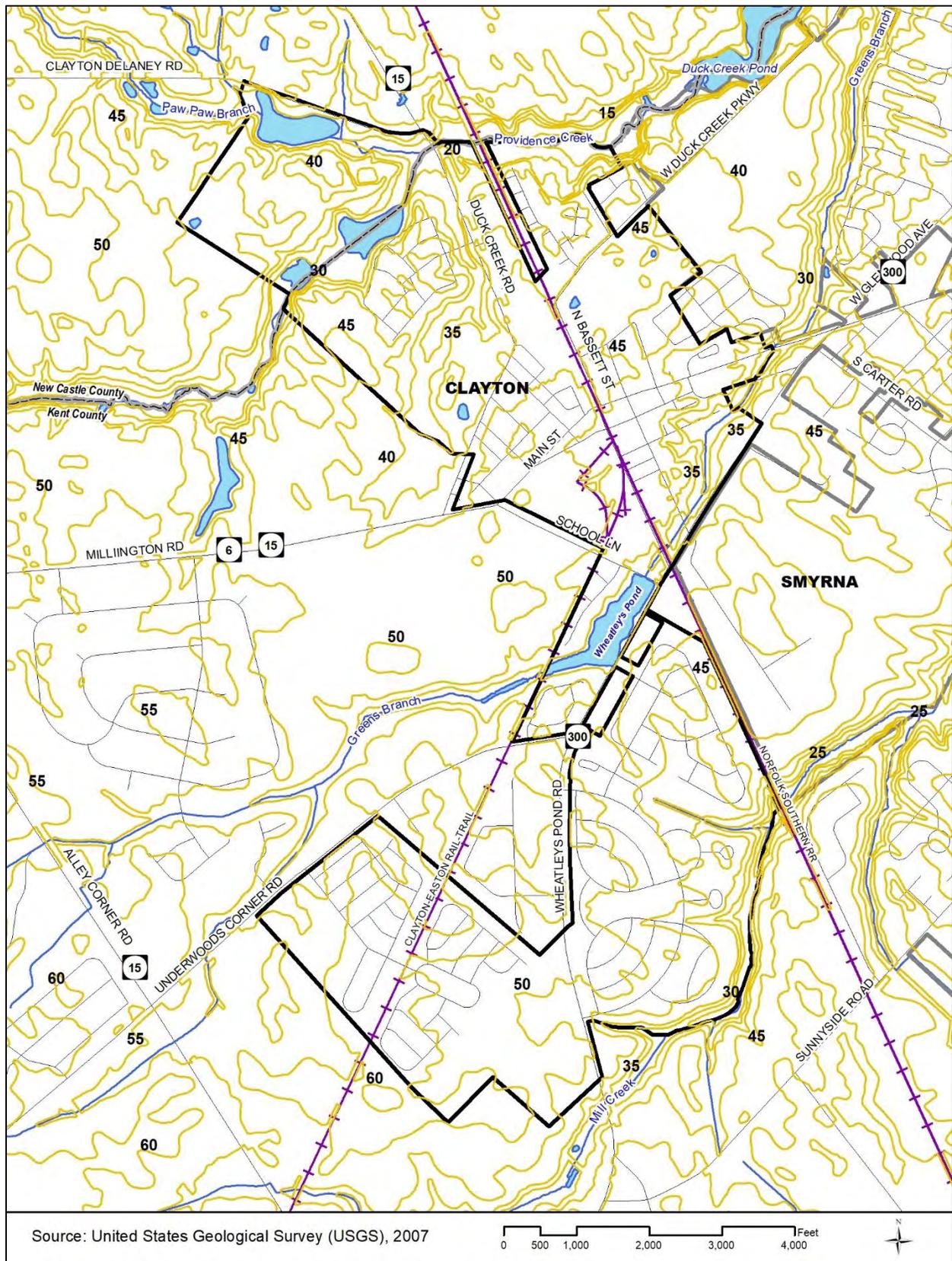


Figure 9. Clayton Area Topography Map



Water Resources

This section outlines Clayton's water resources. Map 3 shows their locations.

Surface Water

Surface water includes streams, rivers, lakes, and ponds. Clayton is located in the Smyrna River drainage basin, which flows east to the Delaware Bay. Three tributaries of the Smyrna River flow through Clayton. Providence Creek forms part of Clayton's northern corporate limits and is the boundary between Kent and New Castle Counties. Greens Branch flows eastward from the west corner of Clayton's corporate limits through Wheatleys Pond, which is used as a stormwater-management facility for the adjacent Wheatleys Pond residential development. Both Providence Creek and Greens Branch flow into Duck Creek before joining the Smyrna River. A third stream, Mill Creek, which forms part of Clayton's southern border, flows northeast through Smyrna and Lake Como and across U.S. Route 13 and SR 1 before joining the Smyrna River.

Drinking Water

The source for Clayton's drinking water is groundwater. Groundwater is stored in aquifers. Aquifers are layers of gravel and sand within which water is stored and moves underground. Water is obtained by drilling wells into the underground aquifers. Water is then treated and distributed to homes and businesses.

Floodplains and Flood-Hazard Areas

Map 3 displays the boundaries of the flood-hazard and wetland areas associated with the rivers and streams in the Clayton vicinity. As the map shows, the most extensive flood-prone areas in and around Clayton are along Providence Creek, which forms the border between Kent and New Castle Counties. There are also flood-prone areas along the Paw Paw Branch, Greens Branch, and Mill Creek.

Wetlands

Wetlands are important because they filter pollutants from water, mitigate flooding, and provide habitats for wildlife and many plant species. Wetlands also offer a wide range of recreational opportunities, including canoeing, fishing, and bird-watching. Through proper water management, careful site selection for development projects, and identification of sites for restoration, wetlands can be protected and managed.

As Map 3 indicates, nearly all of Clayton's wetlands are associated with streams and flood-prone areas. There are no tidal wetlands within Clayton's boundaries.

Protecting Water Resources

This section outlines a number of methods aimed at protecting Clayton’s water resources. It also notes actions taken by the Town to safeguard these important natural resources

Total Maximum Daily Loads (TMDLs)

A total maximum daily load (TMDL) is the greatest amount of a pollutant that a water body can absorb each day without violating water-quality standards—in other words, a pollution limit. Examples of pollutants, which can harm surface-water bodies, include nitrogen and phosphorus, bacteria, sediments, and heat. There are two sources of these pollutants: “point” sources, such as sewage treatment plants; and, “nonpoint” sources, such as runoff from farms, parking lots, and golf courses.

Section 303(d) of the federal Clean Water Act (CWA) requires states to develop a list of water bodies for which current pollution-control activities are not sufficient to attain applicable water-quality standards and to establish total maximum daily loads for pollutants of concern. The first step in combating water pollution from point and nonpoint sources is to determine acceptable pollution levels—the TMDLs. On December 1, 2006, Delaware Department of Natural Resources and Environmental Control (DNREC) adopted regulations establishing the TMDL for the pollutants in the Smyrna River watershed that are outlined in Table 5.

The second step is to develop a pollution-control strategy. DNREC’s Watershed Assessment staff works with Tributary Action Teams, comprising of residents of each watershed, the public, and other stakeholders, to develop this strategy. Typical strategies considered by these teams include the following:

- Eliminating point-source discharges
- Managing fertilizer and manure applications
- Replacing failing septic systems with environmentally-safer sewage-disposal systems
- Employing protective agricultural practices such as planting vegetative-buffer strips between cropland and waterways
- Higher treatment levels for residential stormwater runoff

Table 5. Smyrna River Watershed TMDLs

Pollutant	Waste Load Allocation for Point Sources	Waste Load Allocation for Nonpoint Sources	TMDL	Reduction from 2002–2003 Baseline
Total Nitrogen (pounds per day)	168.00	574.23	742.23	40%
Total Phosphorus (pounds per day)	12.18	45.64	57.82	40%
Enterococcus (number of colonies per day)	7.66E+10	9.71E+10	1.74E+11	75%

Sources: TMDL and Reduction from Baseline Data from *Delaware Administrative Code*, Title 7, Section 7425, adopted December 1, 2006. Point and Nonpoint data from *DNREC, Smyrna River Proposed TMDLs*, Page 6-3, August 2006 at www.dnrec.delaware.gov/swc/wa/Documents/TMDL_TechnicalAnalysisDocuments/6_SmyrnaTMDLAnalysis.pdf. Verified as current on May 2, 2017.

A Tributary Action Team for the Smyrna River watershed has not yet been established. In the meantime, Clayton might consider reviewing its development-review practices and investigate ways to mitigate nutrient and bacteria levels by controlling stormwater runoff, protecting riparian areas, wetlands, and floodplains, and requiring buffers around aquatic resources and plantings.

Source-Water Protection

The quality of water beneath the surface is as significant as the quality of water in rivers, lakes, and ponds. Accordingly, it is important for Clayton to protect the areas around the wells that pump water from the ground and the aquifer from which water is drawn. Source-water-protection areas include wellhead-protection areas and excellent-ground-water-recharge-potential areas. In 2015, Clayton added standards to the zoning ordinance to safeguard source-water-protection areas. The Utilities chapter of this Plan Update provides additional detail on this legislation.

Floodplain Management

Protecting flood-prone areas is important, not only as an integral component of a comprehensive environmental-protection program, but also for continued participation in the National Flood Insurance Program. On May 5, 2014, Clayton repealed the 1998 Floodplain Area Ordinance and adopted a floodplain management ordinance that is consistent with current federal and state regulations.

Wetlands

Section 404 of the federal Clean Water Act regulates tidal wetlands protection. The Act governs (and usually prohibits) construction and filling activities in areas containing wetlands or wetland-associated hydric soils. Verification of wetland presence is provided by a United States Army Corps of Engineers (USACE)–approved wetlands delineation. Tidal wetlands are provided additional and more stringent regulatory protection than non-tidal wetlands under Title 7, Chapter 66 of the *Delaware Code* and provisions of the state’s Tidal Wetlands Regulations. The Wetlands Section of DNREC’s Division of Water Resources administers Delaware’s wetlands-protection programs.

Clayton follows state regulations regarding development near wetlands.

Goal and Recommendations for Consideration

Goal

Pollution-free rivers and streams.

Recommendations for Consideration

- Continue requiring annexed properties to connect to Clayton’s water and sewer system.
- Participate in other organized efforts aimed at curbing water pollution, such as a Tributary Action Team.
- Monitor changes in state regulations and best-management practices.
- Update land-use and building standards to protect environmental resources.
- Review standards for protecting wetlands in zoning and subdivision ordinances; update ordinances as needed.

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Chapter 7. Historic Resources

Description

Figure 10 shows the locations of Clayton’s historic resources. There are three sites and one district that have been recognized for their historical significance to Delaware and the United States by their inclusion on the National Register of Historic Places. Authorized under the National Historic Preservation Act of 1966, the National Register is America’s official list of cultural resources that merit preservation. National-Register-listed properties number more than 93,000 and can be districts, sites, buildings, structures, or objects recognized for their importance in American history, architecture, archeology, engineering, or culture. The National Register is administered by the National Park Service of the U.S. Department of the Interior. National Register status is awarded following a rigorous evaluation of a resource’s historic criteria.

Figure 10. Clayton Historic Resources Map



Table 6 provides additional information about each National Register property in Clayton.

Table 6. Clayton National Register Sites

	Date Built	Date Listed	Type of Listing	Cultural Resource Survey Number	Current Use
Byrd's AME Church	1894	1982	Site	K03872	Place of Worship
Clayton Railroad Station	1855	1986	Site	K00353	Retail
Saint Joseph's Industrial School	1895	2002	Site and District	K05054	Educational Institution

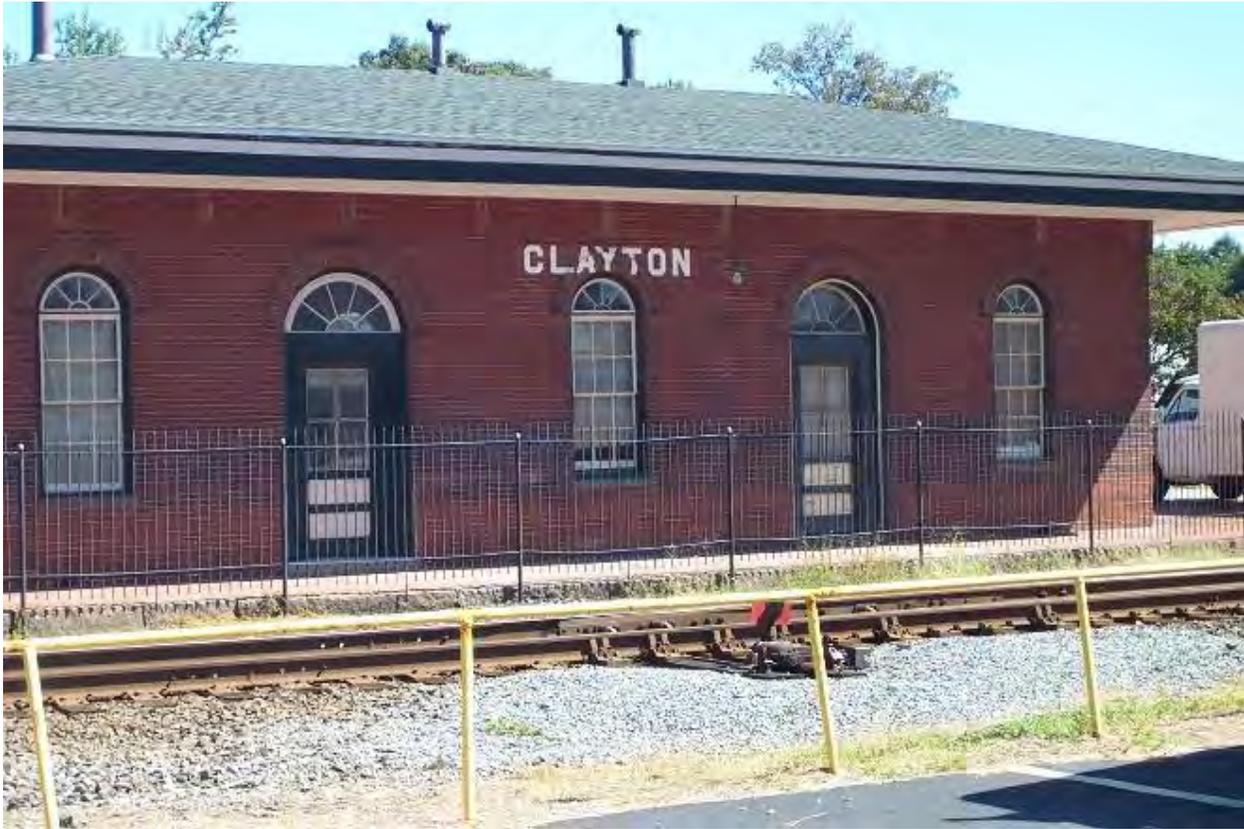
Source: State Historic Preservation Office, Cultural and Historic Resource Information System (CHRIS), accessed 04/22/2016.

The Town of Clayton itself is also recognized for its historical significance as an early railroad town. A historical marker at the northwest corner of Main and North Bassett Streets provides a short history of Clayton's early settlement, incorporation, and railroad heyday. The state program, which locates markers at historically significant places, is directed by the Delaware Public Archives.



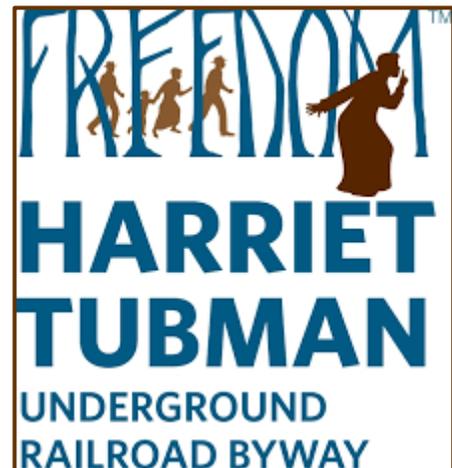
Clayton Historic Marker

The Clayton Railroad Station is important to the town's railroad heritage, even though trains no longer stop at the station. In the years following its cessation as a rail station, the building has been in private ownership and used for small-scale commercial enterprises. To ensure that the station is maintained as a historic property, the Town holds a right of first refusal to purchase the railroad station should current owners decide to sell the property.



Clayton Train Station, photo by Linda Raab

Another historic resource is the Harriet Tubman Underground Railroad Byway. As shown on Figure 10, the byway passes through Clayton along Main Street. It has intrinsic historic value because it highlights Delaware features of the Underground Railroad in the pre-Civil War era. The Underground Railroad served as a method and trail for African Americans escaping southern persecution and enslavement to northern states. Even though Delaware's legal and socio-economic foundations supported slavery as did its southern, slave-holding neighborhood states, its close proximity to free northern states made it an important corridor for slaves seeking freedom.



Goal and Recommendations for Consideration

Goal

Preserve historic heritage.

Recommendations for Consideration

- Keep right of first refusal to purchase Clayton Railroad Station.
- Direct interested property owners to information and resources that can assist them in learning about, and preserving the historic characteristics, of their properties.

Chapter 8. Economic and Community Development

This chapter focuses on the businesses in Clayton. It also discusses the formation and work of the Town's Economic Development Committee.

Agri-Businesses

The first component of Clayton's business community includes the following establishments that support the agriculture areas located south and west of Clayton.

- *Atlantic Tractor*—Atlantic Tractor is the largest retail operation in Clayton employing between 20 and 50 people. Its retail store is located at East Street and Railroad Avenue. The company also maintains a machine shop on Wilson Avenue and a storage facility on Smyrna Avenue.
- *Southern States*—Southern States is a farmer-owned cooperative that purchases, manufactures, and processes feed, seed, fertilizer, farm supplies, and fuel. Its retail store is located on School Lane, and storage facilities are on South Bassett Street. Approximately 15 people work at Southern States.
- *Hanover Foods*—Hanover Foods' processing plant, located on the north side of SR 6 adjacent to the western border of Clayton, employs between 200 and 300 people. Its products include canned, freeze-dried, and frozen fruits and vegetables.

North Bassett Street Light-Industrial Area

A small group of light-industrial employers is located at the intersection of North Bassett Street and Duck Creek Parkway. The largest industrial area on North Bassett Street is the Clayton-Smyrna Industrial Park on the southeast corner of North Bassett Street and Duck Creek Parkway. The park's primary tenant is the Eagle Group (Metal Masters), which manufactures food-service equipment and wire shelving. Other employers in this industrial park area are Brothers Electrical Contracting and Schwann's Home Services. On the northwest corner of North Bassett Street and Duck Creek Parkway are two additional establishments, Halko Manufacturing and E-Z Manufacturing.

South Bassett Street Business Area

Another business area is located on South Bassett Street between Main Street and Wheatleys Pond Road. On the east side of South Bassett, there are commercial service establishments, homes, and light-industrial businesses. On the west side of South Bassett Street at its intersection with Wheatleys Pond Road, there is a propane gas storage area and a DEMEC (Delaware Municipal Electric Coop) transformer.

The mix of residential, commercial service, and light-industrial uses in this area indicates that it is in transition from residential to non-residential. Many businesses are in buildings that once

were homes; they tend to be small and thus relatively compatible with one another in scale and appearance. Realizing that the market will determine pace, the transition of this area from residential to non-residential must be managed in a way that protects homeowners while encouraging new, compatible business to locate in the area and existing business to remain and expand.

Wheatleys Pond Commercial Area

A small commercial area is located on north side of Wheatleys Pond Road between Bassett Street and the town boundary. The current businesses in this area include offices, a deck-construction company, and a daycare center.

Town Center

Clayton's oldest business area is in the historical town center situated on both sides of Main Street between the railroad station and Clayton Avenue. Clayton's town center features many small-town characteristics. Although the volume of through traffic on Main Street has increased, this area is accessible, and on-street parking is available. There are sidewalks on both sides of Main Street, enabling customers to park and walk conveniently to a number of stores. Main Street retains a mix of residential and commercial uses in two- and three-story structures. There are several government and community service activities in the center of town, including the post office, the town government and police station, the volunteer fire department, and the senior center. Most businesses are small, local, retail, and service enterprises.

1996–2014

Over the years, Clayton has worked toward showcasing its town center as a focal point for shopping, socializing, and civic activities. The Town launched this effort by delineating town-center boundaries in the 1996 comprehensive plan. Two years later, the Town Council developed a new zoning district, the Town Center (TC) Zone, that permits a mix of uses and flexible bulk (such as setbacks, building coverage, minimum parcels sizes) and parking regulations. An area west of the railroad along Main Street was placed in the new TC Zone when the Town Council comprehensively rezoned the town in 2000.

One portion of the town center that has undergone improvement is the area around the intersection of Main Street and the railroad. In 1996, this area had little visual appeal and functioned inefficiently. Figure 11 depicts the conditions and design issues found in this area when the 1996 plan was adopted.

Figure 11. Design Challenges, Clayton Town Center

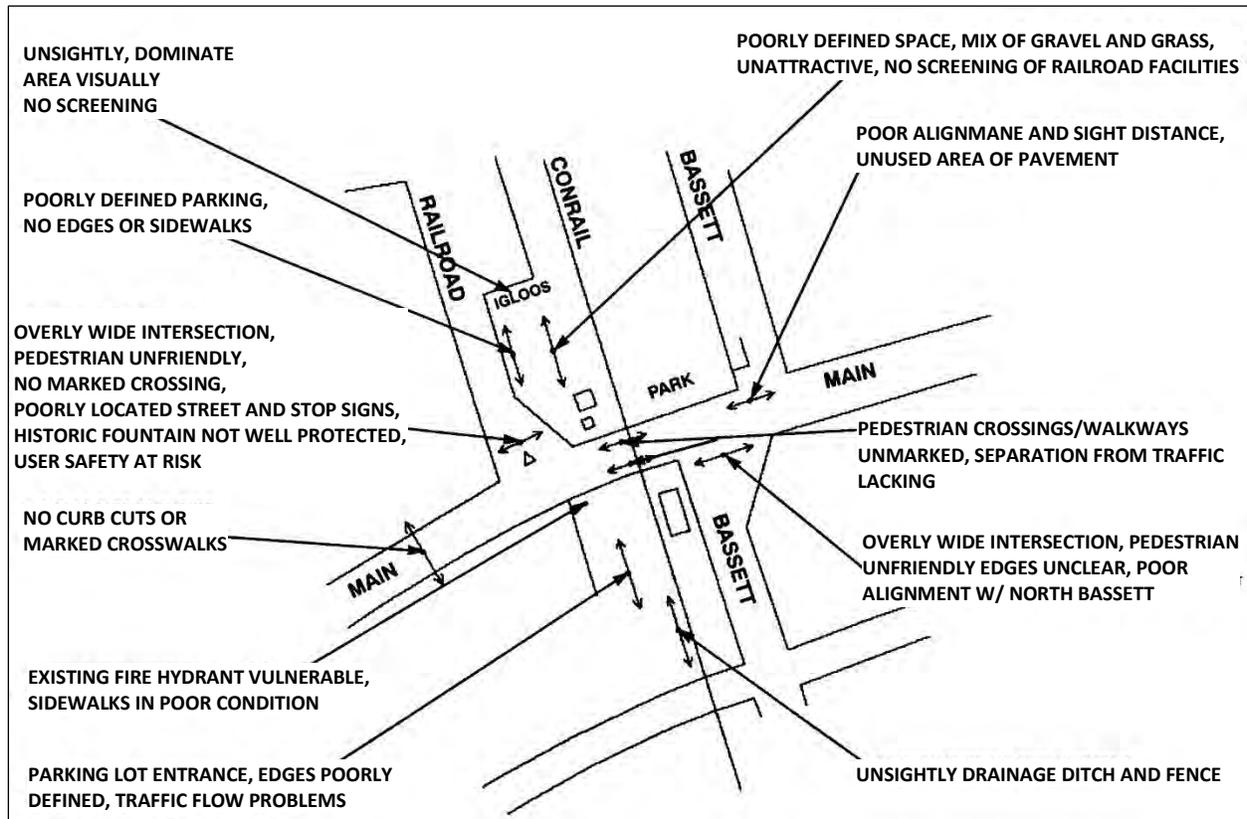


Figure 12 identifies a number of improvements aimed at correcting the problems identified in Figure 11. These improvements are based on the following objectives:

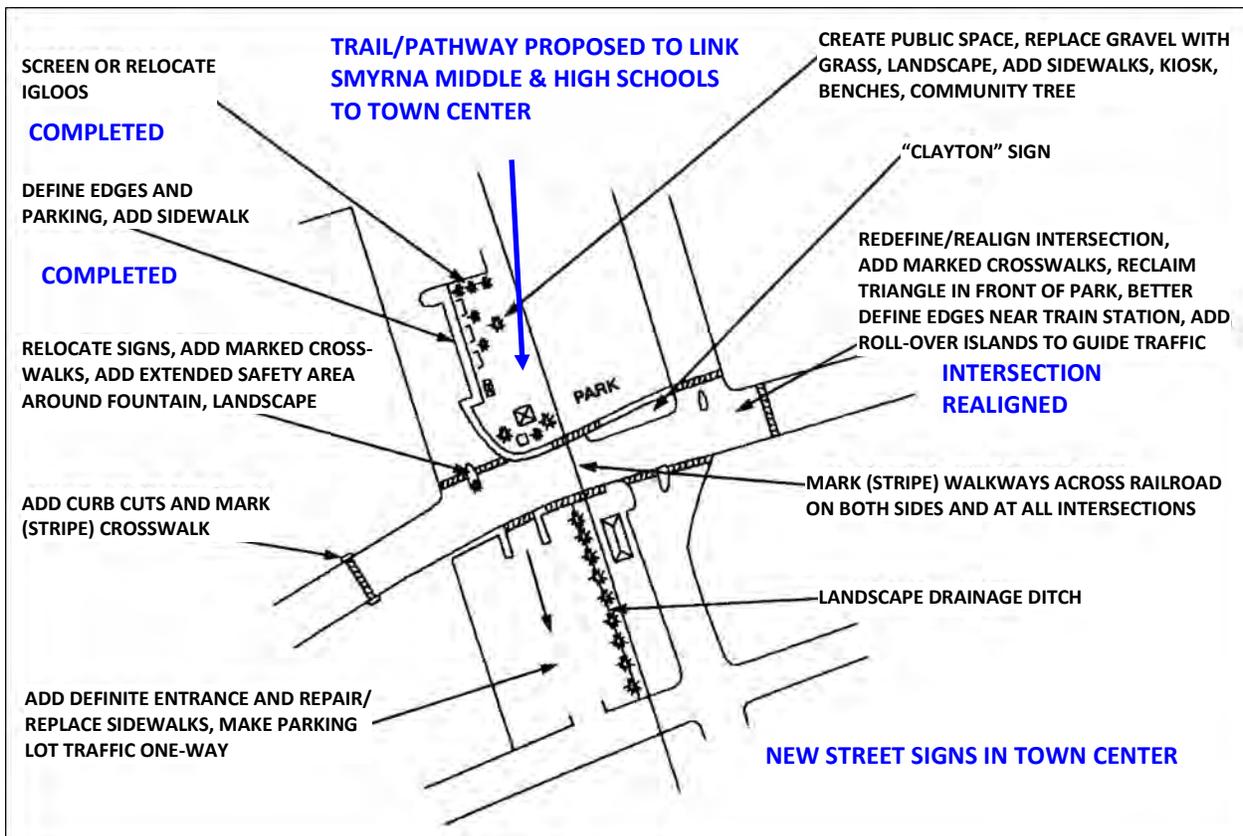
- Define edges and boundaries clearly.
- Improve pedestrian and bicycle safety.
- Create public spaces for community events.
- Improve parking areas with paving, signage, and landscaping.
- Provide direction and information to residents and visitors.
- Provide clear sense of place.
- Improve traffic movements and circulation.
- Provide multi-modal transportation opportunities.
- Improve the sense of connection and union between eastern and western sides of the community that are not readily apparent now.

Figure 12 identifies a number of improvements that have been accomplished. The recycling igloos have been removed. The parking area on the northwest corner of Main Street and the railroad has been paved and striped. The town purchased property at the southeast corner of Main and Bassett to improve the alignment of the two streets. Town Council installed new street signs in the town center shown in the photo opposite. Trails and pathways that are proposed in this Plan Update are described in Chapter 13 and shown on Map 6.



Street signs at Railroad Avenue and Main Street

Figure 12. Design Accomplishments, Clayton Town Center



2014–Present

In 2014, Clayton continued its efforts to strengthen the town center by applying for designation as a Downtown Development District. A summary of Clayton’s application can be found in Appendix B.

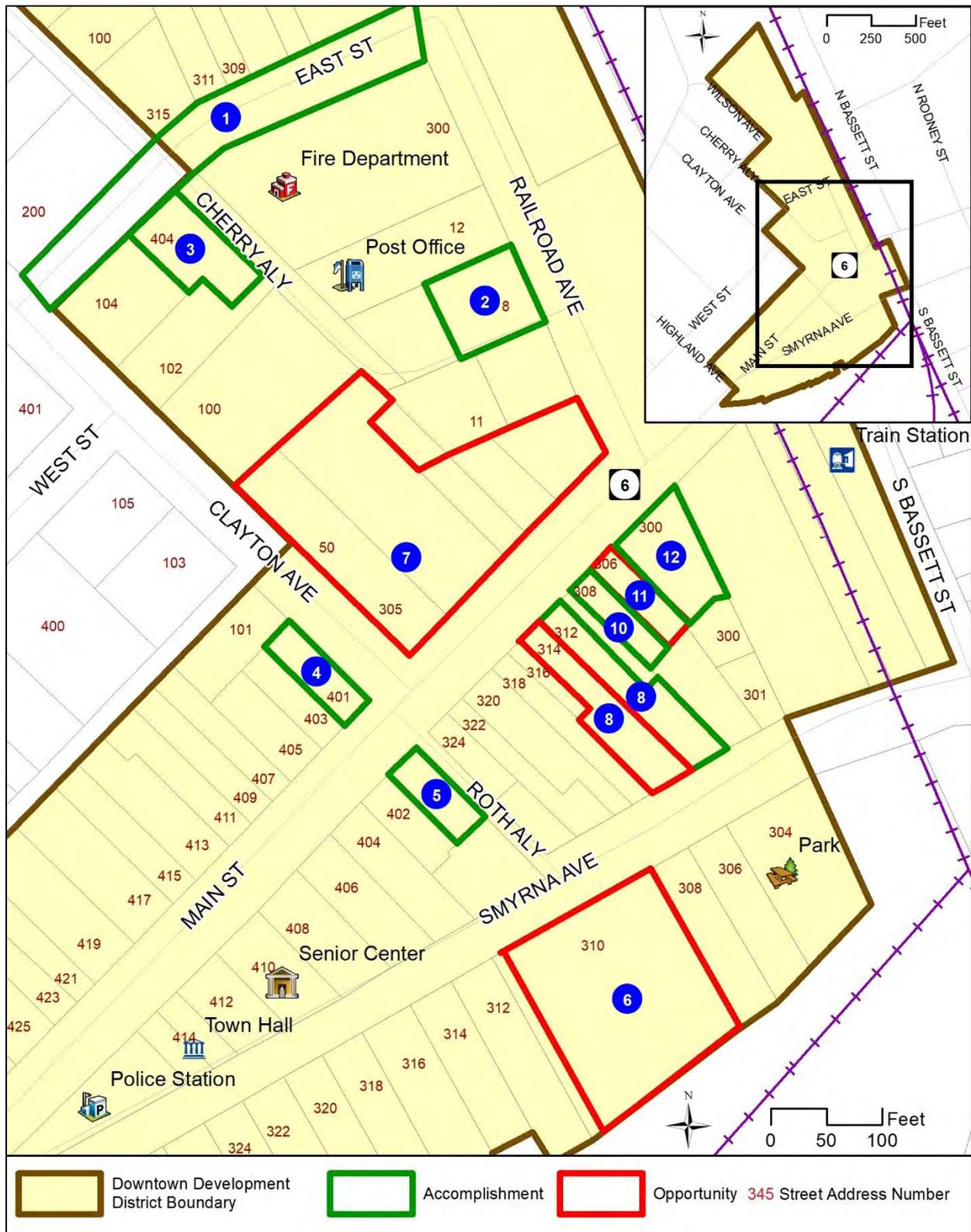
Table 7 identifies and describes opportunities and accomplishments in and around Clayton's town center. Since 2014, there has been renewed interest in Clayton's town center. Five businesses have opened or re-opened since 2014. There is one significant renovation project underway at the old Clayton firehouse.

Table 7. Town Center Opportunities and Accomplishments

Map Ref	Type	Location	Description/Status
1	Accomplishment	East Street between Railroad and Clayton Avenues	Paving and sidewalk completed by Clayton Fire Department
2	Accomplishment	8 Railroad Avenue	Rehabilitation underway for a mixed-use project featuring commercial and apartments within the old Clayton Firehouse
3	Accomplishment	404 Clayton Avenue	Property renovated for new business
4	Accomplishment	401 Main Street	New business
5	Accomplishment	400 Main Street	Re-opened business
6	Opportunity	310 Smyrna Avenue	Vacant, opportunity for mixed use or housing
7	Opportunity	305 Main Street and 50 Clayton Avenue	Downtown Development District Priority Project proposed for retail on ground floor, offices or housing on upper floor; rehabilitation of small sections of building complete; major construction not started
8	Opportunity	314 Main Street	Vacant, recently renovated, ready for new business
9	Accomplishment	312 Main Street	New office
10	Opportunity	308 Main Street	Opportunity to rehabilitate vacant mixed-use property; formerly commercial at street level, apartments on upper floor
11	Opportunity	306 Main Street	Opportunity to rehabilitate vacant mixed-use property with commercial at street level, apartments on upper floor
12	Accomplishment	300 Main Street	Rehabilitation of existing building and continuation of existing business

Figure 13 depicts the locations of the sites listed in Table 7. As the figure shows, these locations are within or close to the retail component of Clayton's Downtown Development District. All are in the Town Center (TC) Zone, which permits mixes of residential and commercial uses in a single building and where developers are not subject to minimum lot sizes and setbacks, maximum building coverages, and are not required to provide off-street parking spaces.

Figure 13. Town Center Opportunities and Accomplishments Location Map



Economic Development Committee

Clayton is committed to ensuring that the Town has a thriving business environment. The Town Council underscored that commitment by forming an Economic Development Committee on March 9, 2015. The Committee's members include two council members and three business owners.

The following paragraphs identify projects that the Committee is pursuing and makes suggestions for additional items to consider.

Visual Improvements

A visually pleasing area is important for residents, business owners, and patrons especially in the town center. Projects being pursued or considered include:

- A town clock at the corner of Main and Bassett Streets;
- Containers and plantings at strategic locations in the town center; and
- Benches and street lights.

Business Portfolio

It is crucial that an inventory of available business sites be accessible to entrepreneurs or agents. It is also important to give prospects reasons to come to Clayton. Ideas for accomplishing these are:

- Compiling a portfolio of business opportunities that might include items such as address, square footage, photographs, maps, tax information, data about utilities (water, sewer, telecommunications, gas, and electric).
- Developing a brochure identifying advantages of having a business in Clayton that might highlight Clayton's central location, town services, and availability of small spaces for business that do not require substantial square footage or rely on pass-by traffic. One approach might be to market Clayton as a place where a home-based business that has outgrown its home might find a perfect small space for expansion and growth.
- Developing a presence on town website.

Incentives

It is no secret that the first few years of a new, relocating, or expanding business are the most difficult with many fees, fit-up expenses, new taxes, and establishment of a customer base. One way to ease start-up burdens might be to consider waiving, discounting, or phasing in local payments such as permitting fees, connection charges, and property-tax increases.

Regular Review of Regulations

Regulations frequently discourage prospects. It is important to review the impact of zoning, subdivision, and other regulations and make recommendations for changes. The Planning and Zoning Committee has already identified two zoning issues affecting properties in the Town Center (TC) Zone. One is signage standards; the other is the requirement for site-plan review even when a building is not proposed for expansion.

Goals and Recommendations for Consideration

Goals

- Business expansion.
- Business retention.
- Aesthetically pleasing town center.

Recommendations for Consideration

- Seek assistance from the newly created Delaware Division of Small Business to chart a future for Clayton businesses, especially those in the town center.
- Develop partnership with private sector for street furniture, signs, and other visible features to define a boundary for Clayton's downtown.
- Follow up on economic development activities discussed in the previous section.
- Work with the Planning and Zoning Committee to review the impact of zoning regulations on business development, in particular sign standards.
- Work with the Planning and Zoning Committee to do a complete analysis of the Town Center Zone, including review of permitted uses, conditions governing permitted uses, and processing times.
- Maintain land-use regulations that help homeowners in South Bassett Street area to maintain their homes until they are ready to be converted into non-residential uses.
- Continue to sponsor community events, such as Fourth of July celebrations and Railroad Days.
- Maintain parking areas in the town center and design street patterns that minimize vehicular speed.

Chapter 9. Housing

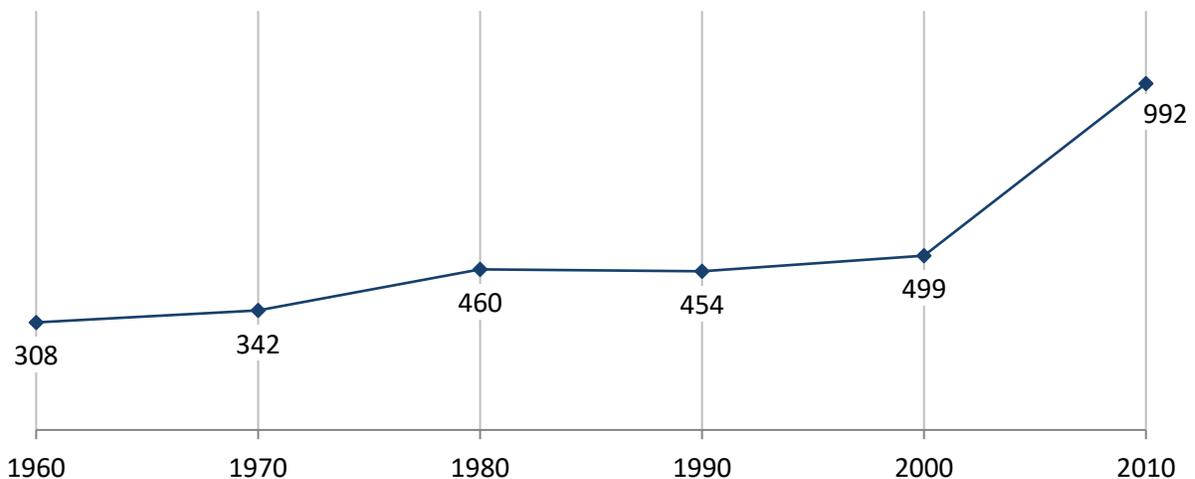
Housing Profile

This section provides information on housing stock in the Clayton vicinity. Recognizing that the search for housing is typically without regard to jurisdictional boundaries, this plan considers Clayton, the Town of Smyrna, and Kent County as a housing market.

Households

Figure 14 depicts Clayton's trend in households from 1960 to 2010. Not surprisingly, the rise and fall in the numbers of Clayton households reflects the population trends shown in Figure 2.

Figure 14. Clayton Household Trend, 1960–2010

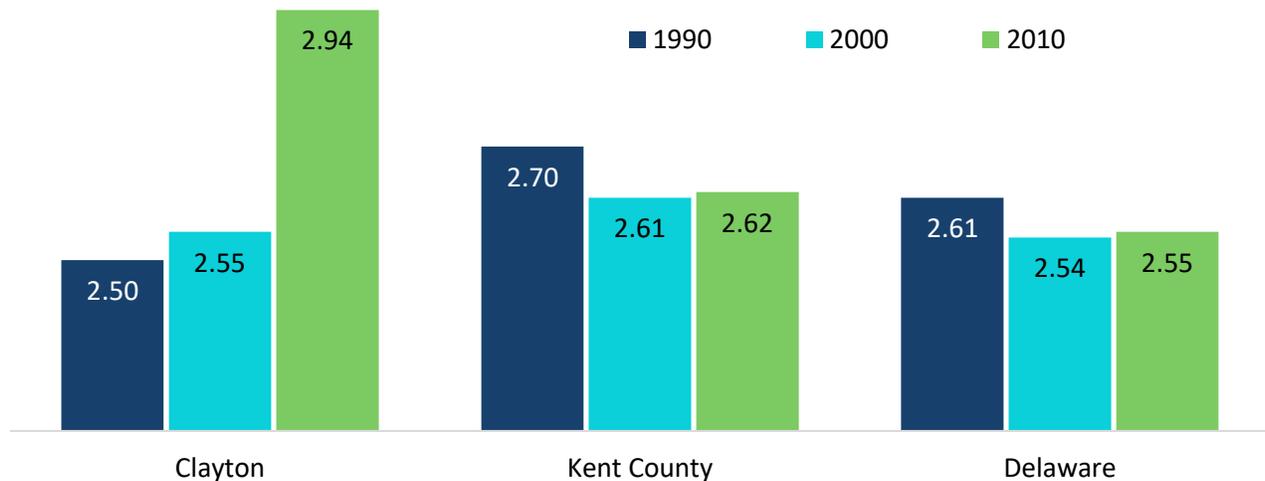


Note: A household includes all the people who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters (*American Community Survey and Puerto Rico Community Survey 2015 Subject Definitions*).

Source: U.S. Census Bureau, decennial censuses, 1960–2010.

Figure 15 portrays household sizes for Clayton, Kent County, and Delaware in 1990, 2000, and 2010. The table shows that Clayton's average household size increased while Kent County's and the state's decreased. It is likely that this increase is correlated with Clayton's age profile in Figure 4 suggesting that Clayton has "gotten younger."

Figure 15. Household Size, Clayton, Kent County and Delaware 1990–2010



Source: U.S. Census Bureau, decennial censuses, 1990, 2000, 2010.

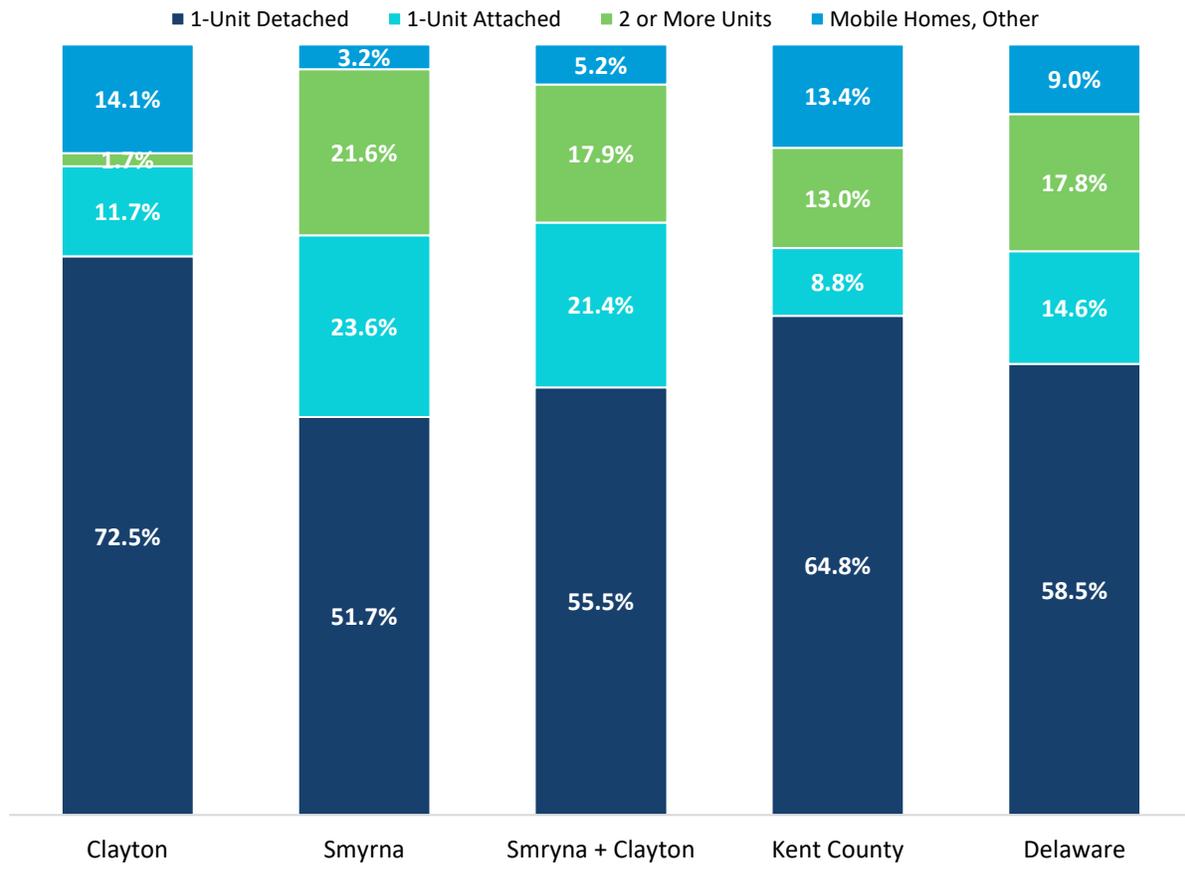
Housing Types

Figure 16 depicts the types of housing found in Clayton, Smyrna, and Kent County.

As Figure 16 indicates, when viewed as a whole, the housing stock in the Clayton-Smyrna market provides substantial choice in all housing categories. Both Smyrna and Clayton have about the same proportion of townhomes and single-family detached homes. Smyrna, with its higher proportion of multi-family homes, balances Clayton's higher percentage of mobile and manufactured homes.

When compared with Kent County, the Clayton-Smyrna area offers a wider variety of housing choices. Though the proportion of single-family detached homes is greater in the Clayton-Smyrna area than in Kent County, the proportions of semi-detached, townhomes, and multi-family homes are higher than those of Kent County, but the county has a larger proportion of mobile and manufactured homes.

Figure 16. Housing Types, Clayton, Smyrna, and Kent County



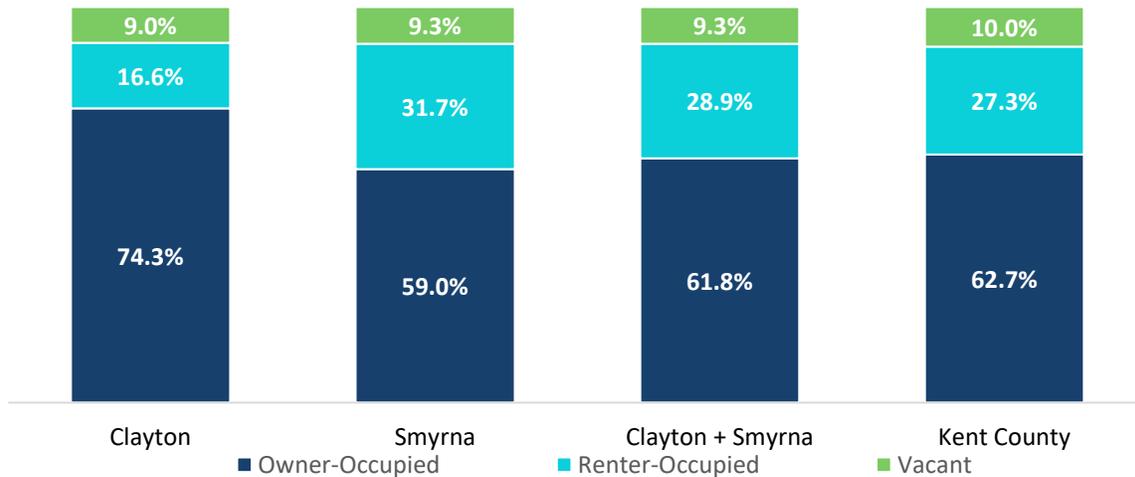
Notes: **1-Unit Detached**—A structure not attached to any other building and totally surrounded by yards. **1-Unit Attached**—A structure with one or more walls extending from ground to roof separating it from adjoining structures; includes townhomes and semi-detached homes such as duplexes and “twins.” **2 or More Units**—Structures containing at least two units such as apartments. **Mobile Home and Other**—Includes boats, RVs, vans, and housing units that do not fall into other categories.

Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04. Definitions from <www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2014_ACSSubjectDefinitions.pdf>

Housing Occupancy

Figure 17 compares occupied and vacant housing units in the Clayton-Smyrna area with that of the state. As shown in the figure, the vacancy rates in the Clayton-Smyrna area are within one percent of Kent County’s vacancy rate. Although Clayton’s proportion of renter-occupied homes is less than that of both Smyrna and Kent County, the proportion of renter-occupied housing in the Clayton-Smyrna area is on a par with that of Kent County.

Figure 17. Housing Occupancy, Clayton-Smyrna Area and Kent County



Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04.

Housing Age

Table 8 provides information on the age of housing units in Clayton, Smyrna, and Kent County. As the table shows, most of the housing stock in all three jurisdictions was constructed between 2000 and 2009, no doubt a result of the housing boom and 430 acres annexed between 2004 and 2008.

Clayton's housing stock is older than that of Kent County or Smyrna with nearly 14 percent of Clayton's housing stock more than 75 years old (constructed before 1940). In contrast, less than ten percent of the county's and Smyrna's homes were built before 1940.

Table 8. Housing Age, Clayton, Smyrna, and Kent County

Year Built	Clayton	Smyrna	Kent County
2014 or later	1.3%	0.0%	0.3%
2010 to 2013	2.3%	5.0%	3.5%
2000 to 2009	50.0%	40.9%	28.0%
1990 to 1999	8.8%	9.6%	18.8%
1980 to 1989	6.1%	7.3%	12.7%
1970 to 1979	7.9%	12.9%	12.4%
1960 to 1969	2.1%	8.4%	8.9%
1950 to 1959	3.7%	4.4%	6.3%
1940 to 1949	2.0%	0.2%	2.2%
1939 or earlier	15.6%	11.2%	7.0%

Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04.

Housing Values and Rents

Owner-Occupied Housing

Figure 18 provides information on the median value of owner-occupied housing units. It shows that housing values in Clayton and Smyrna are less than housing values in both Kent County and Delaware.

Figure 18. Median Housing Values, Clayton, Smyrna, Kent County, and Delaware



Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04.

Renter-Occupied Housing

Figure 19 compares monthly rental rates in Clayton, Smyrna, Kent County, and Delaware. As the figure indicates, rent in Clayton tends to be higher than in Smyrna or Kent County. A reason for this might be that the units for rent in Clayton are more likely to be either townhomes or single-family detached homes. As pointed out in Figure 16, Clayton’s current housing stock has fewer apartments, which are nearly always rental housing.

Figure 19. Median Gross Rent, Clayton, Smyrna, Kent County, and Delaware



Source: U.S. Census Bureau, 2011–2015 American Community Survey 5-Year Estimates, Selected Housing Characteristics, Table DP04.

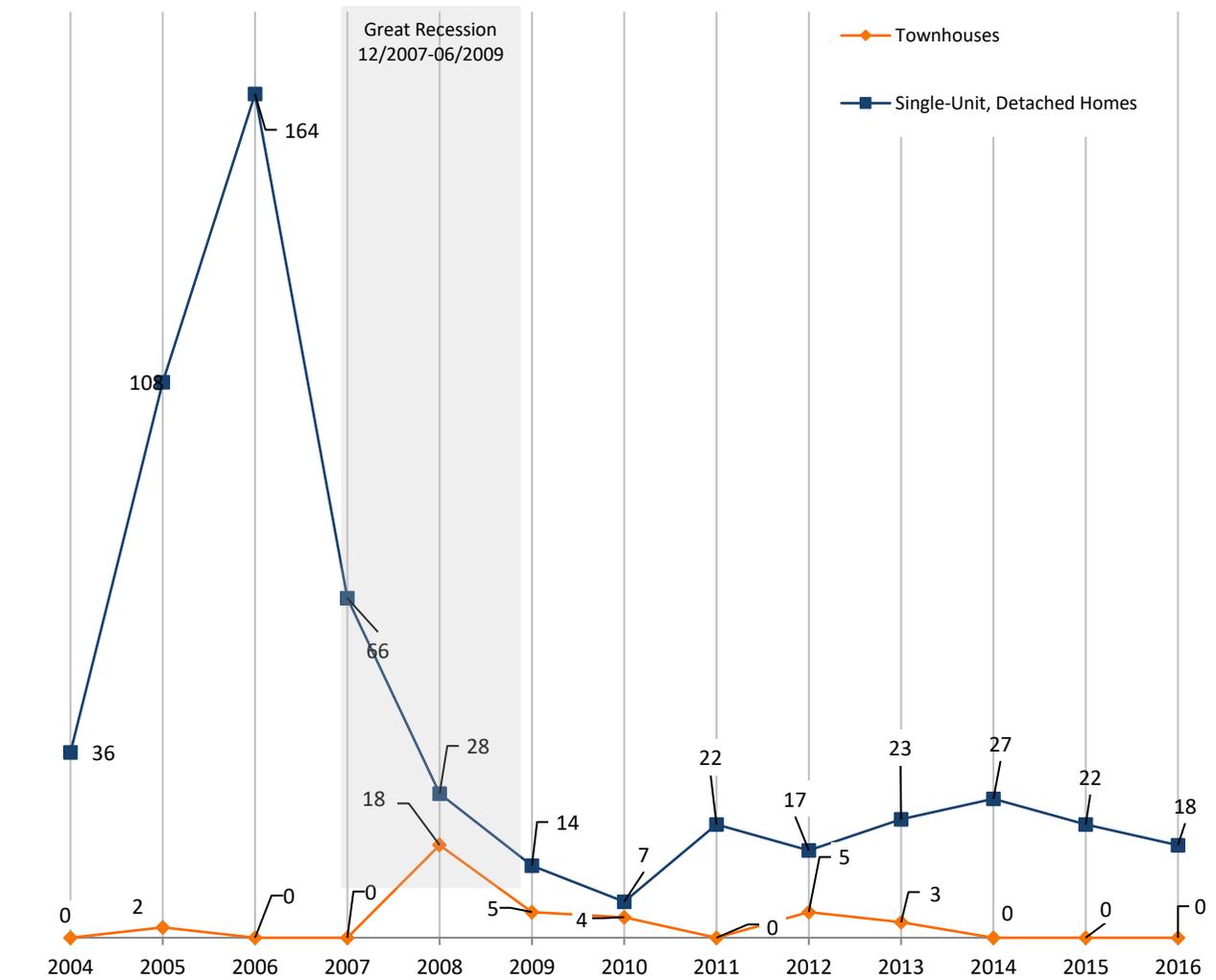
New Construction 2008–2016

Clayton’s housing market did not escape the effects of the Great Recession. As Figure 20 indicates, permits for new construction reached a high of 164 in 2006. By the beginning of the recession in 2007, new construction permits had dropped by 60 percent. This downward trend

continued into the next year. By 2011, permit activity picked up, but is unlikely to reach pre-recession levels.

Before 2007 nearly all permits were issued for detached homes in the areas annexed between 2003 and 2005; only two permits were issued for townhomes. Since 2008, 35 permits for townhomes have been issued, all for either Liberty Knoll or Wheatleys Pond subdivisions. A likely reason for this is that infill properties, often ignored in housing-market booms, have become attractive because they often do not require the same level of expenditure on infrastructure (water, sewer, roads, stormwater management).

Figure 20. Permits for New Construction 2004–2016



Source: Town of Clayton, Office of State Planning Coordination, National Bureau of Economic Research, compiled by the Institute for Public Administration

Housing Rehabilitation Opportunities and Accomplishments

Table 8 indicates about 20 percent of Clayton’s housing stock was built before 1950. While most of the older housing stock is well maintained, there are homes in need of rehabilitation. Table 9 identifies one completed rehabilitation effort and three opportunities for additional housing rehabilitation.

Table 9. Housing Rehabilitation Opportunities and Accomplishments

	Location	Description/Status
Opportunity	315 East Street	Housing rehabilitation proposed
Opportunity	310 Smyrna Ave	Vacant, opportunity for mixed use or housing
Accomplishment	300 Smyrna Ave	Housing rehabilitation completed
Opportunity	301 Smyrna Ave	Dilapidated home demolished by Habitat for Humanity; opportunity to build new home for ownership or rental

The photo below pictures an opportunity for rehabilitation located at 301 Smyrna Avenue. In early 2015, the home was demolished, but the site remains vacant. It is anticipated that its owner, Habitat for Humanity, will oversee the construction of an affordably priced home.



301 Smyrna Avenue after demolition of dilapidated home, photo by Linda Raab 04/22/2015

The photos below showcase the rehabilitation of 300 Smyrna Avenue. This home is now being rented.

Before: October 30, 2014



300 Smyrna Avenue before rehabilitation, photo by Jonathan Burnett, 10/30/2014

After: July 31, 2015



300 Smyrna Avenue after rehabilitation, photo by Linda Raab, 07/31/2015

Analysis of Housing Needs

Housing Supply

Figure 21 shows areas where development is taking place, lots are recorded but development has not yet begun, and undeveloped areas earmarked for residential development on Clayton’s future land-use map. As Figure 21 indicates, these areas are in the newer sections of Clayton, as well as in older areas.

Figure 21. Developing, Unbuilt, and Infill Housing Lots

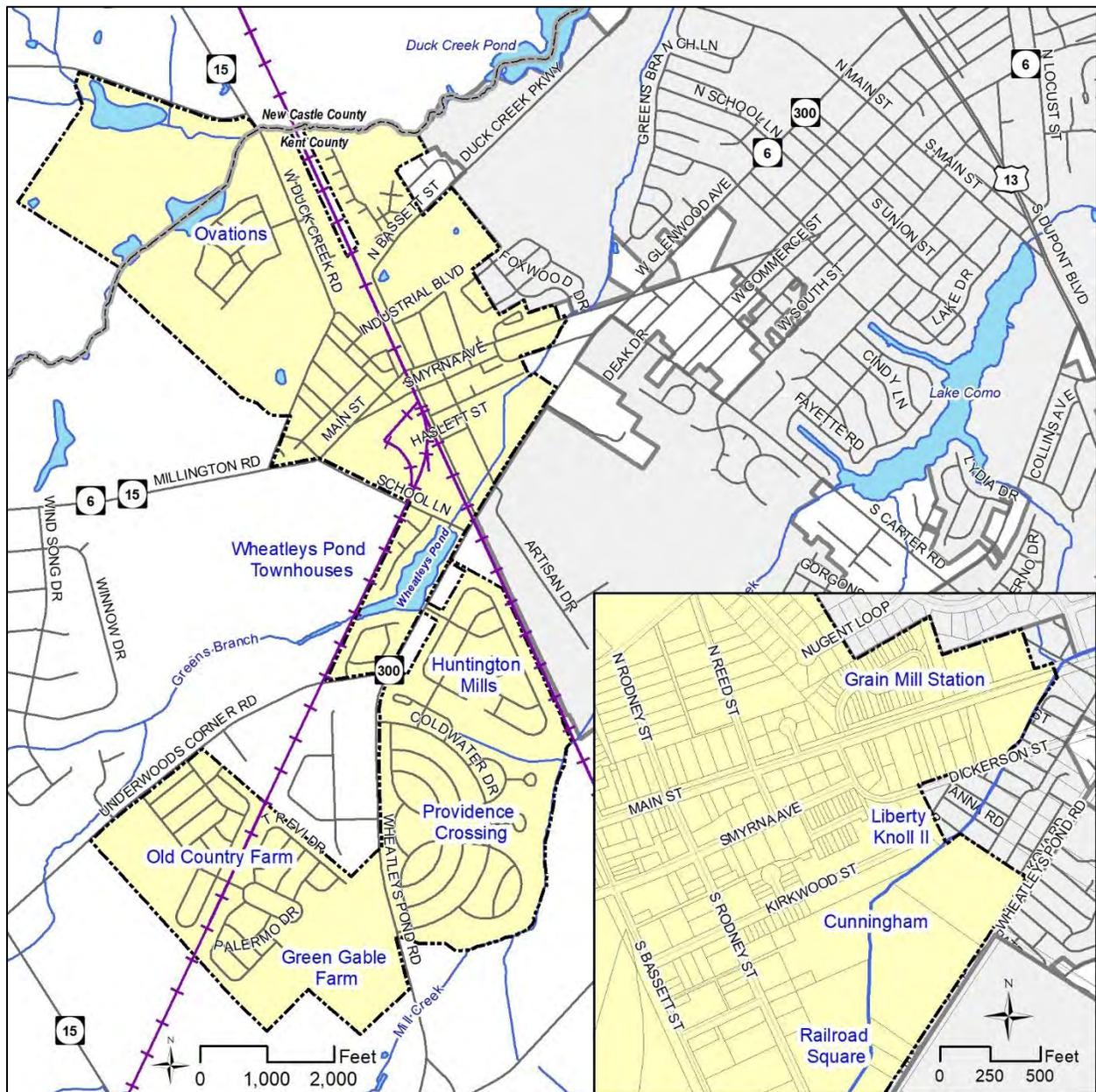


Table 10 calculates the number of homes that could be built in the areas identified in Figure 21. These estimates were based on current zoning, recorded plans, and plans in the pipeline. Where development plans are unknown, the lowest, allowable density based on zoning was assumed. It was also assumed that the land available for residential development within Clayton's town limits would remain the same. It was further assumed that residential land would not be increased through annexation.

Approximately 778 homes could be built within Clayton's current boundary. Although the majority of these are likely to be detached homes, townhomes and apartments are proposed.

Table 10. Housing Supply

	Zone	Dwelling Type	Acres	Built 2018	Not Built 2018	Total 2018	Notes
Railroad Square	R1	Apartments	4.9	0	48	48	Per approved plan
The Ovations	R	Detached	37.0	0	145	145	Per pending plan
Old Country Farm	R	Detached	161.0	23	391	414	Under construction
Providence Crossing	RS	Detached	182.0	363	62	425	Under construction
Huntington Mills	RS	Detached	84.0	176	23	199	Under construction
Cunningham	R	Detached	3.4	0	14	14	Assumes 4.2 detached homes per acre
Miscellaneous developable, infill lots	R	Detached		0	10	10	Assumes 1 detached home per lot
Grain Mill Station	R	Townhouses	4.7	0	34	34	Plan approved 03/24/2008
Wheatleys Pond Townhouses	R	Townhouses	1.2	87	6	93	
Liberty Knoll II Recorded	R	Townhouses	3.1	0	21	21	Construction not started
Liberty Knoll II Not Recorded	R	Townhouses	3.0	0	24	24	Assumes 8.0 townhouses per acre
Subtotal Detached				562	645	1,207	
Subtotal Townhouse				87	85	172	
Subtotal Apartments				0	48	48	
Totals				649	778	1,427	

Source: Town of Clayton, compiled by the Institute for Public Administration

Housing Demand

The calculations in Table 10 formed the basis for determining whether Clayton would have sufficient housing to accommodate the population growth estimated in Figure 3. Table 11 calculates the number of new Clayton residents in 2050 under the four population-projection scenarios. These results were divided by the 2010 average household size of 2.94 persons per household to estimate the number of households in 2050.

Table 11. Housing Demand

	Population 2020	Population 2050	Population Growth 2020–2050	Housing Units Needed by 2050
2% Per Year	3,557	6,572	3,015	1,026
DPC from 2010 Census	3,412	4,388	976	332
DPC from 2015 ACS 5-Year	3,325	4,191	866	295
1% Per Year	3,223	4,073	850	289

Note: “Housing Units Needed by 2050” computed by dividing “Population Growth 2020–2050” by 2.94 (the average household size reported in the 2010 census).

Source: Figure 3, computations by the Institute for Public Administration

Conclusion

A comparison of the estimated 649 unbuilt homes with the estimated number of homes needed in 2050 indicates that Clayton will have sufficient housing for future population under three of the four population projections. In addition, the anticipated supply includes detached homes, townhouses, and apartments.

Goal and Recommendations for Consideration

Goal

Sound and affordable housing for all residents of all income-levels.

Recommendations for Consideration

- Continue code-enforcement efforts.
- Identify additional opportunities for housing rehabilitation.
- Continue supporting infill housing in the older areas of Clayton.
- Focus on developing in recorded subdivisions rather than annexing new territory.
- Ensure that land-use regulations provide for a variety of housing types.
- Encourage annexation petitioners to propose developments with a variety of homes.
- Support housing initiatives that encourage young families to stay in or move to Clayton.

Chapter 10. Community Facilities and Services

Community facilities and services constitute a network of interrelated public and semi-public institutions and activities that give each jurisdiction its identity. These facilities and services not only affect the attractiveness of a community as a place to live, work, and do business, but also influence its growth pattern. Like most Delaware municipalities, service provision is a shared responsibility. The Town of Clayton is responsible for water service, electricity, trash collection, street and sidewalk maintenance, leaf collection, snow removal, street lighting, code enforcement, building permitting and inspection, and planning and zoning. Other services are provided by the state, the county, semi-public agencies, or private establishments. Map 4 depicts their locations.

Town Government

Clayton's governing body consists of five council members. The council members are elected for two-year, staggered terms. Elections are held the last Tuesday in April. The president of the council, elected from among the council members at the first (reorganization) meeting after an election, serves as the mayor. Each council member is assigned responsibility for a government service. The council meets regularly on the second Monday of every month and holds additional meetings as needed.

Town Facilities and Services



Clayton public works vehicle pictured on Town website, www.clayton.delaware.gov

The Town employs a town foreman and several clerks and administrative assistants to oversee the daily operations of the town. The Clayton Town Hall, located at 414 Main Street, houses the police department and offices for the administrative staff. It also contains assembly space used for meetings of the Town Council, the Planning and Zoning Committee, and other groups and committees. The Town also owns a garage on West Street where equipment used for public works is stored.

The 2008 Plan Update noted that the Town was considering constructing a new facility to house police, public works, and administrative staff. Instead of pursuing a new facility, the Town decided to renovate the existing town hall and police department in 2014. The office area was modernized by creating a more efficient reconfiguration for serving the public as well as providing better office space for town clerks. In

addition, the police station was expanded; and a new entrance to the police department was built to separate police work from routine town business.

Public Safety

Police Protection

The Clayton Police Department is located at 414 Main Street in the same building as the town hall. The department currently employs nine full-time personnel, which includes the police chief, a patrol supervisor, an administrative assistant, and six patrol officers.



Clayton Town Hall and Police Department

The department's primary mission is to provide 24-hour police protection. Police officers enforce Delaware State Law and Clayton Town Ordinances. They respond to calls for service, investigate all crimes committed within town limits, and apprehend local fugitives. Officers also conduct property checks for both residences and businesses.

The department has achieved the Homeland Security requirements of the National Incident Management System and National Response Plan training. Though the department has benefited from Homeland Security grants, the current funding situation makes it unlikely that Homeland Security funding will continue at previous levels.



Clayton police vehicle pictured on Town website, www.clayton.delaware.gov

The Clayton Police Department also provides community policing support. Officers involved in community policing participate in programs aimed at creating trust between the public and the police. One of these programs is the Gang Resistance Education and Training (G.R.E.A.T.) program. The purpose of this program is to help students avoid becoming involved with drug abuse, violence, and gangs. Serving as School Resource Officers at Clayton Elementary School and Providence

Creek Academy, Clayton police officers are working with over 500 students ranging from grades 3 through 8.

The community policing unit also operates a child-identification program and a summer youth program and initiates various safety programs. The department's newest undertaking is a project to develop an internet safety program that will be available to students and family members.

The administrative section maintains all records related to the department's operation. It provides citizens with copies of both crime and accident reports. It also maintains records of police officers' training.

The department's facilities include a small communications center, an office for the chief, work stations for on-duty officers, and an area for office equipment. When not utilized for patrol, police vehicles are parked on Main Street and Smyrna Avenue. Since the town does not have a holding facility for people who are arrested, the Smyrna Police Department's cells are utilized for temporary holdings. Committed prisoners are transported to the James T. Vaughn Correctional Center located north of Smyrna near the rest stop on U.S. Route 13.

Fire Protection

Fire protection is provided by the Clayton Fire Company Number 1, Inc., Station 45. Founded in 1891, the company's headquarters is located at 214 Railroad Avenue. Its service area includes the Town of Clayton and the area west of Clayton to the Maryland line. The department has mutual-aid agreements with neighboring fire companies so that Clayton firefighters can provide and request assistance.



Firefighters from Clayton Fire Company Station 45 pictured on Town website, www.clayton.delaware.gov

In 2014, the company completed an expansion that increased its facility from 7,000 square feet to 10,000-square-foot. The addition includes a new engine room, expanded locker space, a training and meeting room, a fitness area, additional office space for line and administrative officers, rest rooms, and additional storage space.



Clayton Fire Company, Station 45, 300 East Street pictured on Town website, www.clayton.delaware.gov

Emergency Medical Service

Emergency medical service is provided by the David C. Harrison Ambulance Company Station 64 and Kent County paramedics. The ambulance company, located at the intersection of SR 6 and SR 300, was founded in 1924 by a small group of World War I veterans and run by career and volunteer staff. The company is responsible for basic life support and ambulance transport for an area extending from the Delaware Bay to the Maryland border and from Collins Beach to Garrisons Lake. County paramedics from Medic Station 6 provide advanced-life support. Their station is located on the south side of SR 300 near its intersection with Carter Road.

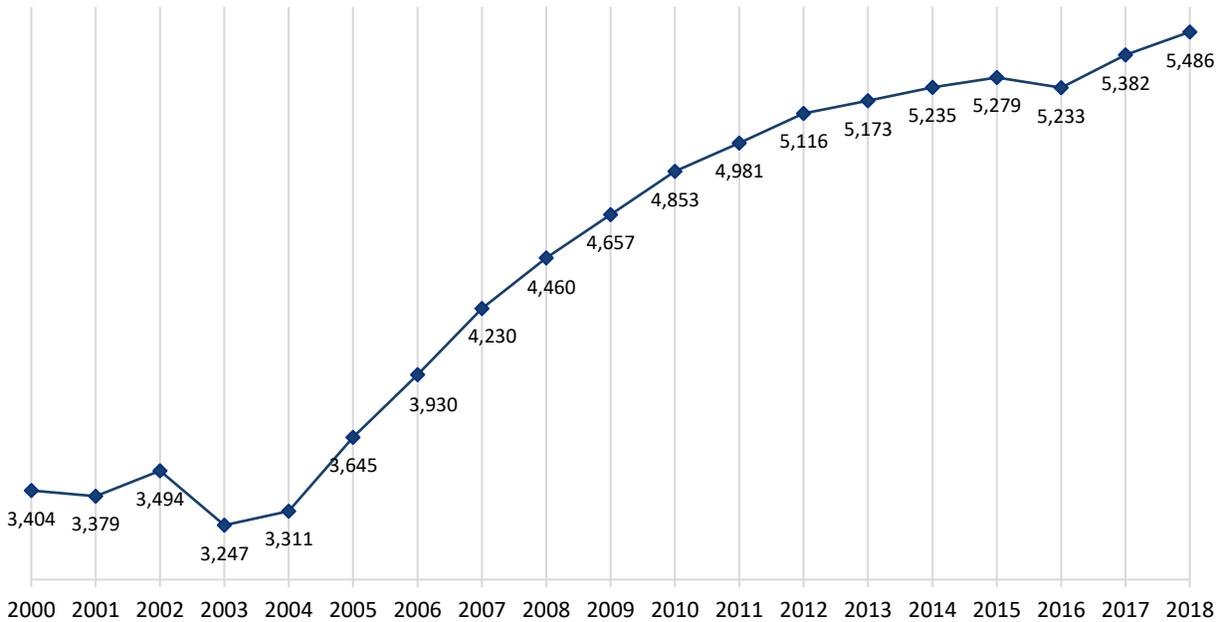
Educational Facilities

Smyrna School District

Clayton is in the Smyrna School District. The district, which encompasses approximately 175 square miles, serves students in northern Kent County and southern New Castle County. The district is governed by an elected, five-member school board that appoints a superintendent to administer the district's activities and serve as the board's executive secretary. The district's headquarters is located in Smyrna at 82 Monrovia Avenue.

Figure 22 tracks enrollment in the Smyrna School District from 2000 to 2018. Enrollment rose and fell between 2000 and 2003. The period from 2003 to 2018 saw steady increases with 2016 showing a small decrease.

Figure 22. Smyrna School District Enrollment, 2000–2018



Note: Does not include charter schools, or private educational facilities.
 Source: 2008 Town of Clayton Comprehensive Plan; Delaware Department of Education, www.profiles.doe.k12.de.us/SchoolProfiles; accessed 04/19/2018.

Table 12 lists the public schools attended by students living in Clayton. Students begin their education at Clayton Elementary School for kindergarten through fourth grade. They move to Clayton Intermediate School for grades five and six. Seventh and eighth graders attend Smyrna Middle School before moving to Smyrna High School for grades 9 to 12.



Clayton Elementary School pictured on Town website

Table 12. Smyrna District Schools Serving Clayton Students

	Location	Grades Served	Enrollment 2017–2018
Clayton Elementary	510 West Main Street, Clayton	Kindergarten through Grade 4	514
Clayton Intermediate	86 Sorrento Drive, Clayton	Grades 5 and 6	466
Smyrna Middle	700 Duck Creek Parkway, Smyrna	Grades 7 and 8	916
Smyrna High School	500 Duck Creek Parkway, Smyrna	Grades 9 through 12	1,496

Source: Delaware Department of Education, www.profiles.doe.k12.de.us/SchoolProfiles; accessed 10/11/2017.

Charter Schools

Authorized by Title 14, Chapter 5 of the *Delaware Code* in 1995, charter schools aim to “improve student learning; encourage the use of different and innovative or proven school environments and teaching and learning methods; provide parents and students with improved measures of school performance and greater opportunities in choosing public schools within and outside their school districts; and to provide for a well-educated community” (www.doe.state.de.us/programs/charterschools).

There are two charter schools in Clayton: Providence Creek Academy and First State Military Academy. Both are located on the Saint Joseph parcel on the west side of West Duck Creek Road (SR 15).

Providence Creek Academy serves students in kindergarten through eighth grade. It features a campus-like facility on 44 acres with nearly 80,000 square feet of academic space in three buildings as well as athletic fields.

First State Military Academy offers a program for high-school students who would benefit from a military-school environment. The school opened in August 2015 with 200 students in grades 9 and 10. Grades 11 and 12 were added in 2016 and 2017 respectively. First State Military Academy’s enrollment for the 2017-2018 school year was 409 students.

Private Education

There is one private educational facility in the Clayton area. The Smyrna Christian Academy is located in New Castle County between Duck Creek Road (SR 15) and U.S. Route 13 at 1630 Joe Goldsborough Street. The academy serves students from kindergarten through grade 12.



Providence Creek Academy, downloaded 02/26/2019

Civic and Social Services

Postal Service

The Town of Clayton is served by a United States Post Office located at 12 Railroad Avenue between Main and East Streets. Home delivery is available in the subdivisions west of the railroad, while residents of “old” Clayton east of the railroad must pick up mail at the post office.

Library Services

Smyrna Public Library

The closest library to Clayton is the Smyrna Public Library located in a historic building at 107 South Main Street in Smyrna. Founded in 1858, the library collection consists of more than 22,000 circulating items. In addition to books, the collection includes, e-books, DVDs, audio CDs, newspapers, and magazines. Other services include internet access, computers, and a homeschool area.

Funding has been secured from Delaware Division of Libraries for the construction of a 25,000-square-foot regional library on U.S. Route 13 in the southern portion of the town. Ground-breaking has not been scheduled. (www.smyrna.delaware.gov/84/Library)

Kent County Public Library

The Library Division of the Kent County Department of Community Services provides county-wide library services. Kent County's Public Library is located at 2319 South DuPont Highway in Dover. Its collection includes fiction and non-fiction books, large-print books, periodicals, newspapers, video tapes, DVDs, books-on-tape, and CDs, and is organized for adults, young adults, and children. The periodical collection features access to periodicals and newspapers online. In addition, computers provide Internet access and contain popular computer programs. Each year, library staff also conduct more than 100 programs of interest to adults and children.

Since 1990, the library has operated a bookmobile to serve the rural areas of the county. The bookmobile makes over 250 stops per year. Some of the typical stops include Hartly, Cheswold, Felton, Frederica, and the Kent County complex.

Within the last several years, two online services have become available. The first is the Delaware Library Catalog that provides access to information through a single online library database for all public libraries and a number of academic and school libraries. The second program, called Ask-a-Librarian, is a free 24/7, online information service where users can connect with a real-time librarian for assistance. (www.co.kent.de.us/kc-library)

Senior Services

Two senior centers serve the Clayton vicinity.

- *Lillian Smith Senior Center*—The Lillian Smith Senior Center is a private enterprise located within the Clayton town limits at 410 Main Street. Formerly the Clayton-Smyrna Senior Center, it was established in 1967 by Mrs. Lillian Smith. In 1992, when Mrs. Smith died at the age of 95, the center was renamed to honor her memory. (www.seniorcenter.us/sc/lillian_smith_senior_center_clayton_de)
- *Mamie Warren Senior Center*—Located on SR 300 between Clayton and Kenton at 1775 Wheatleys Pond Road, the Mamie Warren Senior Center covers the Smyrna, Clayton, and Kenton areas. (www.mamiewarren.org)

The types of services offered by these centers include on-site meals and Meals on Wheels for those who are homebound, tax and insurance-claim assistance, crafts, bingo and other social activities, transportation to medical appointments, and basic health screenings.

Goals and Recommendations for Consideration

Goals

- Quality municipal services.
- Full-time police protection.

Recommendations for Consideration

- Police Protection
 - Regularly review police-protection requirements.
 - Continue community policing programs.
- Fire Protection
 - Monitor fire-protection and emergency medical services.
 - Continue strong relationship between Town and Fire Company.
- Other
 - Work with other levels of government to secure and maintain services for Clayton residents.

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Chapter 11. Park, Recreation, and Open Space

Regional Facilities

Map 5 depicts park and recreation facilities in the Clayton region. It also portrays the natural open spaces represented by water bodies, streams, flood areas, and wetlands. Table 13 describes the activities available at these facilities.

Table 13. Clayton-Smyrna Region Park and Recreation Facilities

Facility	Features
Big Oak County Park	Sports fields, playground, picnic area, nature trail, wetland boardwalk; Delaware Aero Space Education Foundation for Space and Earth Science education and recreation
Blackbird State Forest	5,400 acres; 40 miles of trails for hiking, running, bicycling, horseback riding, and cross-country skiing; paved, wheelchair-accessible nature trail; primitive campsites, picnic sites, hunting, and catch-and-release fishing
Blackiston Wildlife Area	2,200 acres; wildlife and waterfowl hunting, catch-and-release fishing in Gleason's Pond
Bombay Hook National Wildlife Refuge	16,000 acres featuring walking trails, observation towers, and a visitor center with interactive displays
Cedar Swamp Wildlife Area	6,000 acres of upland and tidal marsh habitats, hunting, fishing, and boating
Garrisons Lake Golf Course	18-hole golf course, maintenance building, club house
Garrisons Lake	Fishing and boating
Woodland Beach	6,000 acres of natural area consisting of tidal marsh, forest, and agricultural fields dedicated to wildlife management; primary objective being public hunting and fishing

Source: FirstMap, Delaware parks layer, accessed 05/04/2016.

Clayton Vicinity Facilities

Besides the regional facilities near Clayton, there are many park, open space, and recreation areas in the Clayton vicinity. Most of these areas are in Smyrna, and many of them are available to Clayton residents. Map 6 shows the location of park, open space, and recreation areas in the Clayton vicinity. Table 14 provides information on a selected number of these facilities.

Park and Recreation

Table 14. Clayton Vicinity Selected Park and Recreation Areas

Area	Features
Boys and Girls Club of Smyrna	Educational programs including tutoring and enrichment; arts and crafts; athletic programs
Clayton Elementary School	Multi-purpose field and playground
Jim Vaughn Sr./Theresa Millman Memorial Parks	Picnic area, fields for little league baseball, softball, big league baseball
Lake Como	Sandy beach, paddleboats, playground, fishing, picnic area
Providence Creek Academy	Walking and bicycling trails when school is not in session
Smyrna High School	Ballfields
George C. Wright Jr. Park	Playing fields, tennis courts, swings, picnic tables, pavilions
Stephen Robert Rebar Park	Playground equipment, benches

Source: Clayton and Smyrna Comprehensive Plans.

The George C. Wright Jr. Park has softball fields, tennis courts, swings, picnic tables, and pavilions. Facilities for Little League baseball, softball, adult baseball, and tennis are located at Jim Vaughn Sr. Park across from Smyrna High School on Duck Creek Road. In addition, many public-school sites have recreation facilities.

Within Clayton, there is only one park. Rebar Park is located on Smyrna Avenue west of the railroad. The park has playground equipment and a small seating area. A deed restriction ensures that this site will continue as a park.



Rebar Park, photo by Linda Raab, 07/31/2015

Natural Areas

Open space refers to the stream valleys, flood areas, wetlands, and water bodies throughout the town. Recreation and park facilities may be in some of these areas, such as the Little League fields adjacent to Providence Creek, but most exist in their natural states. Natural areas are important because they provide visual diversity to an area while contributing to environmental protection efforts.

Pathways and Trails

Map 6 also shows a number of trails and pathways in the Clayton vicinity. Some are completed, and others are recommended for consideration in this Plan Update. They are shown here because they are an important component of the park, recreation, and open space system, but are described and discussed in the transportation chapter.

Clayton supports these projects and believes that development of pathways and trails could provide numerous opportunities for the town's residents and businesses. These projects often increase the attractiveness of an area, which can also increase property values.

Clayton Open Space

Map 6 also identifies open space created through the town's subdivision-review process that requires developers to dedicate open space proportional to the size of their development projects. Some of the dedicated open space is left in a natural state, and some open spaces are used for stormwater management.

Dedicated open space is concentrated in the areas annexed since 1998. The largest existing open space area is north of Providence Creek and is being used by Hanover Foods for spray irrigation. A second large open space is located at Wheatleys Pond and its surrounding area. Open spaces can also be found in the Huntington Mills, Providence Crossing, and Old Country Farm subdivisions.

As Map 11 (existing land uses) indicates, there are few vacant parcels and thus limited opportunities to create new open spaces in "Old Clayton." This area was developed long before Clayton adopted land use standards requiring the dedication of open space when land is subdivided for development.

Map 6 identifies two areas that may provide opportunities for open space. Although both properties are privately owned, they are unlikely candidates for development because of environmental constraints. One property is within the 100-year floodplain and contains substantial wetland area, and a pond covers nearly all of the second parcel.

Goals and Recommendations for Consideration

Goals

- Adequate supply of open space for recreational activities.
- Balanced demand for recreation and open space with both fiscal resources and responsibilities associated with ownership and maintenance of public properties.

Recommendations for Consideration

- Continue utilizing the provision in the subdivision ordinance mandating that developers either dedicate recreational land or pay a fee in lieu of dedication.
- Work with property owner of parcels identified for possible new open space to secure utilization of those parcels for open space.
- Enforce standards for protecting greenways in the zoning ordinance and subdivision regulations.
- Work with DNREC, the Delaware Department of Transportation (DelDOT), and the Dover/Kent Metropolitan Planning Organization (MPO) to develop trails and paths.
- Place parcels recorded as open space in the OS (Open Space) Zone at buildout.
- Reinterpret link between land use and zoning so that OS zoning is consistent with all future land uses.

Chapter 12. Utilities

This section provides information about the utilities that serve Clayton residents, including water, wastewater, electricity, natural gas, telecommunications, solid-waste management, and stormwater management. These services are essential to town residents and businesses, and their locations are depicted on Map 7. This section also provides information on source-water-protection areas; their locations can be found on Map 8.

Water System

Clayton operates its own water system, and all properties within the corporate limits receive public water. Three wells, which operate in shifts, tap the Rancocas Aquifer to provide public water to Clayton's residential and business customers.

Supply

Source-Water

The source for Clayton's drinking water is groundwater. As such, it is important for Clayton to protect the areas around the wells that pump water from the ground and the aquifer from which water is drawn. Source-water-protection areas include wellhead-protection areas and excellent-ground-water-recharge-potential areas. Map 8 displays the locations of source-water-protection areas in the Clayton vicinity.

Wellhead-Protection Areas

A wellhead-protection area is the surface and subsurface area surrounding a water well that supplies a public water system through which contaminants are likely to reach the well. As Map 8 shows, there are three wellhead-protection areas in Clayton that provide the Town's drinking-water supply. In addition, there are two wellhead-protection areas located outside of Clayton, the boundaries of which extend to properties within Clayton's corporate limits.

Excellent-Ground-Water-Recharge-Potential Areas

A recharge area is land on top of an aquifer. Precipitation falling on the land surface provides water that recharges aquifers. Ground-water-recharge-potential areas are classified as excellent, good, fair, and poor, according to how rapidly rainwater filters through the ground to the underlying aquifer. Aquifers are layers of gravel and sand within which water is stored and moves underground. Maintaining good water quality in local aquifers is especially important because Clayton obtains drinking water from wells drilled into aquifers. Care must be taken when developing in recharge areas to ensure that precipitation does not carry contaminants downward to aquifers and that sufficient open area is preserved so that precipitation can recharge the aquifers beneath it.

As shown on Map 8, there are three excellent-groundwater-recharge-potential areas within the town limits. Excellent-groundwater-recharge-potential areas consist of predominantly sandy

soils that allow precipitation to infiltrate an underlying aquifer at the most rapid rate. Good-, fair-, and-poor recharge areas have respectively slower infiltration rates.

Protecting Source Water

The Safe Drinking Water Act Amendments of 1996 mandated that all states develop a Source Water Assessment and Protection (SWAP) Program to protect public drinking water sources. The three basic components of all SWAP Programs include:

- Delineation of the boundaries of land areas most important to public water sources.
- Identification of the potential sources of contamination within those boundaries.
- Assessment of the susceptibility of the public water source to these contaminants.

Delaware’s SWAP program standards are in Title 7, Chapter 60, Subtitle VI, Section 6082 of the *Delaware Code*. The program is coordinated by the Department of Natural Resources and Environmental Control (DNREC) and the State Division of Public Health. DNREC developed the source-water assessments for most public water systems in Delaware, including Clayton. Clayton’s assessment was updated on May 22, 2013; the report can be found at <http://delawaresourcewater.org/assessments/>.

Title 7, Chapter 60, Subtitle VI, Section 6082 of the *Delaware Code* requires counties and municipalities with populations greater than 2,000, as determined by the most-recent census, to implement measures to protect sources of public drinking water within their boundaries. Since the 2010 Census determined Clayton’s population to be 2,918 persons, the Town was required to adopt such measures.

On June 8, 2015, Clayton adopted an ordinance amending the Town’s zoning and subdivision ordinances to protect the source-water-protection areas delineated on Map 8. Development in these areas must adhere to the criteria established in Clayton’s source water areas protection ordinance. The State is responsible for updating and revising the source-water-protection areas maps. The Town is responsible for applying the provisions of the source-water-protection ordinance to Map 8 adopted in this Plan Update or hereafter amended. Source-water-protection datasets can be found at FirstMap Delaware <https://firstmap.delaware.gov/> .

Water-Quality Assessment

Water quality is monitored constantly. The *Public Water Supply Source Water Assessment for Clayton Water Department, Kent County, Delaware* was completed in 2013 (accessible at <http://delawaresourcewater.org/assessments/>) and contained the following findings:

- Clayton’s wells have low vulnerability to contamination, because they are in confined aquifers.
- Within Clayton’s wellhead areas, there is no discrete potential source of contamination.
- Clayton’s untreated source water has a low susceptibility to nutrients, pathogens, a low petroleum hydrocarbons, pesticides, PCBs, and other organic and inorganic compounds.
- Overall, Clayton’s drinking-water-supply system “exceeds standards to metals.”

Clayton's Annual Drinking Water Quality Report for 2017 also indicates that Clayton's drinking water is of good quality. The latest report (for the period January 1–December 31, 2016) found that the Town's "...drinking water supply system exceeds standards to metals, has a low susceptibility to nutrients, pathogens, petroleum hydrocarbons, pesticides, PCBs, other organics and other inorganics." (<http://delawaresourcewater.org/assessments/>)

Storage and Distribution

Water is stored in three tanks, two of which are adjacent to water-supply wells. One tank is located on the north side of Smyrna Clayton Boulevard near the Town & Country subdivision and adjacent to the proposed Grain Mill Station subdivision. The second is located west of the railroad near the intersection of Wilson Avenue and Duck Creek Parkway. The third is located in the Old Country Farm subdivision on Underwoods Corner Road near Alley Corner Road.



Water Tower, Wilson Avenue and Duck Creek Parkway, pictured on Town website, www.clayton.delaware.gov

Clayton's water-transmission system was laid out between 1909 and 1918 with four-inch-diameter pipes. The 1978 comprehensive plan recognized that these were not adequate, and the Town embarked on a program of incremental replacement with six-inch lines. In addition,

the lines connecting the storage towers with the transmission system have been replaced with ten-inch pipes.

Planned Improvements

There are no planned improvements or system expansion. Incremental repair and replacement will continue to keep the transmission system in good condition.

Wastewater System

Clayton's sewerage system was laid out in 1915, and the Town operated the system for 70 years. In 1986, Clayton joined the Kent County Regional Wastewater System. Established in 1973, the county system consists of a trunk collection system running north-south from Smyrna to Milford that transmits sewage to a single treatment facility in Frederica.

Every property in Clayton is connected to the sewer system. The Town Council continues to maintain a policy that every property within Clayton's corporate limits be served with public sewer. Developers are responsible for the installation of transmission lines for new development, and the Town is responsible for their maintenance.

Description

The *Delaware Statewide Assessment of Wastewater Facilities Current Status and Future Needs 2011–2016* (pages 56–58) describes Clayton's sewage system as a two-square-mile, collection-only, system consisting of one sewer district with six pump stations and two holding tanks having a total capacity of 300,000 gallons. The Town's total average daily flow is 230,000 gallons with peak flows averaging up to 350,000 gallons. All Town sewage is treated at the Kent County Sewage Treatment Plant in Frederica. The flows travel to the plant as follows.

- *Through Smyrna System*—Approximately 173,000 gallons (of the total 230,000 gallons) flow north and east through "Old Clayton" to a pumping station located adjacent to the railroad and Providence Creek. From there, sewage is pumped to a gravity line that flows, along with effluent from Smyrna, to County Pump Station No. 1, located on U.S. Route 13. From there, sewage enters the county's principal trunk line, which leads to the plant in Frederica. Under a contract with the Town of Smyrna, Clayton may send a total of 400,000 gallons per day to the Smyrna gravity line.
- *Directly to County System*—The remaining 58,000 gallons flow directly into the Kent County system. Beginning at Old Country Farm, effluent flows to a lift station. It is pumped over SR 300 (Wheatleys Pond Road) where it joins sewage collected from Huntington Mills and Providence Crossing. From there, sewage from the three subdivisions flows to a county lift station in Smyrna near Lake Como. This lift station also serves a number of the developments in south Smyrna. There is no limit on the number of gallons that Clayton can send to the County system.

Hanover Foods maintains its own sewage-treatment facility. Treated effluent from the plant is discharged onto land by a process known as spray irrigation. The land onto which the treated effluent is discharged is located in New Castle County on the north side of Providence Creek opposite Hanover's food processing property.

Planned Improvements

The *Delaware Statewide Assessment of Wastewater Facilities Current Status and Future Needs 2011–2016* reported excessive peak flows into Smyrna's system thought to be infiltration and inflow (I/I) from properties in Clayton's "Old Town." Infiltration refers to groundwater entering the sewer system most often from cracks in pipes, tree roots, and deterioration over time. Inflow occurs when stormwater systems are connected to sanitary systems.

Since 2011, the Town has been addressing the I/I issue. At this time, the Town has corrected 90 percent of the sources of inflow. Work is continuing on identifying and correcting the sources of infiltration.

There is no limit on the number of gallons per day that can flow to the county system. The *Statewide Assessment* reported that there are no known issues in Clayton's system, which feeds directly to the County system. An upgrade to the pumping station may be needed as the Huntington Mills, Providence Crossing, and Old Country Farm subdivisions approach buildout.

The *Statewide Assessment* noted that Clayton received a planning grant for conducting an I/I study in Old Clayton. Ongoing I/I studies will identify future major capital improvement projects. In the meantime, the Town makes repairs when an issue is observed.

Stormwater Management Under MS4

Stormwater Management means controlling the runoff from rain and snow that is not absorbed into the ground. Rather, the rain and snow "run" over paved streets, parking lots, and rooftops. The runoff gathers trash, chemicals, oils, and dirt that pollutes rivers, lakes, bays, and oceans. Most of the Town's stormwater runoff is collected in strategically located catch basins. Rainfall is transported to the catch basins by a combination of street gutters, culverts, and storm sewers. The stormwater system is separate from the sewage collection system. The Town's gently sloping topography and well-drained soils minimize drainage problems.

The Municipal Separate Storm Sewer System (MS4) is a nationwide program aimed at controlling pollution from stormwater runoff. The MS4 program is regulated under the National Pollution Discharge Elimination System (NPDES). Clayton (along with 13 other small Delaware municipalities) are subject to regulation under this program. This means that Clayton must develop and implement its own program to control stormwater runoff within the Town. The MS4 program is regulated under the permitting process of the National Pollution Discharge Elimination System (NPDES).

Clayton is being considered by DNREC to receive a five-year waiver to develop a stormwater-management program. The Town intends to be in compliance at the end of the waiver period in 2022.

Electricity

The Town of Clayton provides electric service to all homes and businesses within the town boundaries and to a limited number of residential customers adjacent to the Town. The areas outside of Clayton, to which the Town supplies electric service, are:

- Dennison Trailer Court located at the northeast corner of Dump Road and Duck Creek Parkway.
- A one-acre lot on the north side of SR 6, the western boundary of which is adjacent to the Clayton town limits and the eastern border is adjacent to the Smyrna town limits. This lot is developed with a single-family detached home.
- Thirteen parcels in the area located between Wheatleys Pond Road and Greens Branch east of the Clayton town limits. This area includes the William G. Anthony Subdivision, the lots of which range in size from 0.5 to 0.9 acre. Each lot is developed with a single-family detached home.
- Sixteen single-family lots, fronting on the south side of Wheatleys Pond Road near its intersection with Underwoods Corner Road adjacent to the Huntington Mills subdivision.



Maintaining electric service in downtown Clayton, photo provided by the Town of Clayton

Clayton is a member of the Delaware Municipal Electric Corporation (DEMEC). The corporation supplies power to about 125,000 residential and business customers in nine Delaware municipalities. The smallest of the state's three power companies (The others are Delmarva Power and Delaware Electric Cooperative), DEMEC buys electricity for Clayton, Dover, Lewes, Middletown, Milford, Newark, New Castle, Seaford, and Smyrna. The Town is responsible for installing new electric lines and installing meters to monitor usage, as well as for maintaining the lines.

DEMEC is committed to green energy. The corporation has agreements for wind power from the Laurel Hill Wind Farm in Lycoming, Pennsylvania. It also buys renewable energy credits generated by the wind turbine located at the University of Delaware's Hugh R. Sharp campus located in Lewes. Solar power is purchased from the Dover Sun Park Project and the Milford Solar Farm.

Natural Gas

Chesapeake Utilities, headquartered in Dover, supplies natural gas to Clayton. The utility company owns and maintains natural gas lines in the Town. There is a natural gas storage facility near the corner of School Lane and Wheatleys Pond Road.

Telecommunications

Telephone, television, and internet services are available from a number of providers.

Solid-Waste Management

Clayton contracts with a private waste-management company for trash collection and disposal services to residences and a limited number of commercial businesses in the Town center. The Town also contracts for recycling services.

Goals and Recommendations for Consideration

Goals

- Quality municipal services.
- Safe and reliable supply of water for drinking and fire protection.
- Sufficient sewage-treatment capacity.
- Safe and dependable electric power.

Recommendations for Consideration

- Develop and implement a stormwater management program that complies with the MS4 standards; seek technical assistance from DNREC.
- Monitor infiltration/inflow levels in sewer system especially in "Old Clayton."
- Periodically inspect and maintain water- and sewer- transmission lines.
- Work with other levels of government to secure services for Clayton residents.
- Maintain relationship with Kent County regional-sewer-system officials.
- Establish capital-improvement projects for annual, incremental repairs and upgrades to water and sewer transmission systems.

- Assess long-term needs for water supply and storage; establish capital-improvement projects for upgrades and major repairs to wells and storage towers.
- Remain an active member of the Delaware Municipal Electric Corporation; support DEMEC's commitment to green energy indicatives.
- Regularly monitor solid-waste-collection and recycling service requirements.

Chapter 13. Transportation

Transportation infrastructure is what keeps things moving into, out of, and around a jurisdiction. This chapter looks at the transportation system serving Clayton and vicinity. It includes streets and roads, rail service, and non-motorized transportation infrastructure (pedestrian and bike trails and sidewalks).

Vehicular Transportation

Map 9 depicts the streets and roads serving the Clayton vicinity. Most of the roads within the Town are municipal streets for which Clayton is responsible. A number of state-maintained roads, including Main Street (SR 6), Wheatleys Pond Road (SR 300), Greenspring Road (SR 15, which is a designated scenic byway), and Duck Creek Parkway, accommodate travel within the Clayton vicinity. Kenton-Smyrna Road (SR 300) and Millington Road (SR 6) are east-west highways that connect the Clayton area to western Delaware and U.S. 301. As pointed out in Chapter 1, SR 1 and U.S. Route 13 are north-south arterial roads linking the Clayton vicinity to other parts of the state.

Map 9 also includes the route of a Delaware Byway. Described in Chapter 7, the Harriet Tubman Byway is one of six Delaware byways. Delaware's byway program was authorized in 2000. Its goals are to "... include the identification, promotion, preservation and enhancement of Delaware roadways with at least one of the following intrinsic qualities: scenic, historic, natural, cultural, recreational and archaeological." The Harriet Tubman Underground Railroad Byway begins in Camden and travels north on U.S. Route 13 through Dover. It turns west in Smyrna and runs through Clayton on Main Street before turning north on Alley Mill Road.

Bus Transportation

There is neither public nor private local bus service in the Clayton area. DART First State (Delaware Authority for Regional Transit) provides public bus service along U.S. Route 13 (formerly the Blue Diamond Route) between Wilmington and Dover. Connecting service is available between Dover and Milford. The stop nearest to Clayton is in Smyrna at the intersection of U.S. Route 13 and Mount Vernon Avenue. The second closest stop is at the Smyrna Rest Area at the intersection of SR 1 and U.S. Route 13. Greyhound provides private intercity bus service along U.S. Route 13 with a stop in Smyrna.

DART First State addresses the transportation needs of the Delaware's senior and special-needs population through the Senior Citizens Affordable Taxi (SCAT) program. The program offers a discount on taxi fares. Anyone, who cannot operate a motor vehicle because of a physical or other disability or is age 65 or older, may be eligible for this service.

Railroad Transportation

Map 9 shows the location of rail lines in Clayton. The first is the Delmarva Secondary Line, an active rail line running north and south through the center of Clayton. This line originates south of Wilmington, splits off at Newark and runs south to the ferry at Cape Charles, Virginia. The second is the Clayton Easton Rail-Trail. Owned by the state of Maryland and no longer in use, this line originated in Clayton and runs southwest to Easton, Maryland. The third is a long-abandoned track running along the north side of Main Street from its intersection with Basset Street east into Smyrna.

Passenger Service

The 2013 Delmarva Intercity Rail Feasibility Study investigated the potential for re-establishing passenger rail service on the Delmarva Peninsula. This study proposed to utilize existing freight lines owned by Norfolk Southern and the Maryland and Delaware Railroad. The study concluded that tourism growth in Sussex County and Worcester County, Maryland, appears to make passenger service more feasible than ascertained in previous studies. A passenger stop was not recommended for Clayton.

Freight Service

Recently, the Delmarva Central Railroad Company (DCR) began freight operations along the Norfolk-Southern tracks that run through Clayton. Unlike Norfolk Southern, whose focus is on nationwide freight movement, DCR provides regional freight transport. The company operates 162 miles of rail line from near Porter south to Pocomoke City, Maryland and from Harrington to Frankford. DCR has interchanges with Norfolk Southern, in addition to several short lines on the Delmarva Peninsula. DCR's headquarters are in Harrington, and its operations are based from Harrington, Dover, Seaford, and Delmar.



Delmarva Central train passing through Clayton, photo by Linda Raab, 10/07/2017

Though Clayton generally supports freight operations, there is a concern about DCR trains that are stopped for long periods of time at the three rail crossings (Main Street, Smyrna Avenue, and Wheatleys Pond Road) within the town limits. Main Street and Wheatleys Pond Road are not only important east-west routes between U.S. 301 and U.S. 13, but they are also critical local roadways.

When trains block railroad crossings, patient transport to hospitals is delayed since there is only one ambulance company (David C. Harrison) serving the entire Clayton-Smyrna area. Even though the Citizens Hose Company in Smyrna can respond to calls for EMS and fire-fighting east of the railroad, blocked crossings can interfere with assistance that the Clayton Fire Department could provide to Citizens Hose (see Map 4).

Non-Motorized Transportation

This section looks at statewide bicycle connections, local trails and pathways, and sidewalks in Clayton.

Statewide Bicycle Connectors

In October 2005, a statewide bicycle plan (*Delaware Bicycle Facilities Master Plan*) was adopted. Its primary purpose is “to recognize bicycle facilities as an integral part of the transportation system and provide suitable accommodations for bicycles on the statewide roadway network.” The plan designates a network of bicycle facilities and makes recommendations for bikeway design.

Two bicycle routes in the state plan go directly through Clayton’s corporate limits. State Bicycle Route 1, which runs through Clayton along Duck Creek Parkway, School Lane, and Wheatleys Pond Road, is part of a 37-mile route that begins in New Castle County, passes through Dover and Sussex County, and on to Maryland. K-1, a regional route, runs east from the Maryland state line along SR 6 through Clayton to Woodland Beach. A third designated route is a regional connector running north and south on U.S. Route 13 through Smyrna.

Trails and Pathways

Trails and pathways are facilities for walking, biking, or hiking. They are important to a community because they provide opportunities for getting from place-to-place without vehicles. In addition, they often lead to recreation areas or to areas for shopping or socializing. That, in turn, contributes to healthy living.

Existing Trails and Pathways

Table 15 identifies existing trails and pathways in the Clayton vicinity, and Map 10 shows their locations. As the map indicates, there are three existing (completed) pathways. Of the three, two are in Clayton.

Table 15. Existing Trails and Pathways

Greens Branch Multi-Use Trail	1.14-mile, multi-use, asphalt pathway between Duck Creek Parkway, High Street, Providence Drive, and North Main Street
Duck Creek Parkway Path	0.42-mile, asphalt pathway west of Greens Branch Trail along Duck Creek Parkway to North Bassett Street
Coldwater Community Path	0.20-mile, asphalt pathway from Underwoods Corner Road to Coldwater Creek along Wheatleys Pond Road (part of the statewide bike routes)

Source: FirstMap; Dover/Kent County MPO Regional Bicycle Plan, Adopted September 2011, pages 76 and 78.

Issues and Opportunities

Working with the Dover/Kent County MPO (Metropolitan Planning Organization), proposed pathways and trails shown on Map 10 were developed. The Dover/Kent County MPO is the federally-designated agency responsible for coordinating transportation planning and programming in Kent County, Delaware, including all of Milford and Smyrna. Plans and programs adopted by the MPO outline how federal transportation funds will be spent and must comply with federal laws governing clean air and transportation. This map identifies opportunities to extend and connect existing pathways and trails in Clayton.

Sidewalks in “Old Clayton”

The Town Council wants Clayton to be a friendly, walkable town. In 1999, the Council revamped its subdivision ordinance to require the installation of sidewalks in all new subdivisions. They cannot be part of the paved, travel lanes, and they must be included within rights-of-way of all new streets and roads. Residential sidewalks must be five-feet wide, and in commercial and industrial developments, sidewalks must be from curb to property line. In addition, the subdivision regulations authorize the Town to require perpetual, unobstructed easements to facilitate pedestrian access from roads to schools, parks, playgrounds, or other nearby roads. These access easements must be at least 20-feet wide, and their locations must be indicated on subdivision plats.

Figure 23 shows the areas that lack sidewalks or have gaps in the existing sidewalk system. The older, residential neighborhoods north of Main Street have sidewalks that stop and start. The area east of South Bassett Street between Wheatleys Pond Road and Dickerson Street has fewer sidewalks than the rest of the Town.

Eliminating these gaps would go a long way toward making Clayton pedestrian friendly and establishing connections to proposed pathways and trails. The next section makes a number of recommendations for consideration.

Figure 23. Sidewalk Gaps



Goals and Recommendations for Consideration

Goals

- Safe and reliable vehicular and non-vehicular circulation within town.
- Improved transportation links to areas outside of town.

Recommendations for Consideration

- Vehicular Transportation
 - Evaluate on-street parking patterns and off-street parking areas to determine if existing areas could be used more efficiently.
 - Review parking requirements in zoning ordinance.
- Rail Transportation
 - Investigate eligibility for funds to acquire, rehabilitate, and operate railroad station.
 - Work with Delmarva Central Railroad to ensure that trains do not stop at Clayton rail crossings for long periods of time.
 - Explore opportunities for coordination on freight delivery with Delmarva Central Railroad.
- Non-Vehicular Transportation
 - Apply for MPO assistance and funding to develop a plan for bicycle and pedestrian facilities; consider partnering with Smyrna to apply for a regional plan.
 - Retain public rights-of-way that later could serve as pedestrian paths, bicycle links, or access to in-fill development.
 - Support DNREC's efforts to develop the Clayton-Easton rail-trail; participate in the design, planning, and public participation associated with the project.
 - Strengthen subdivision regulations to require bike connections within subdivisions and to pathways and trails identified in the Plan Update.
- Sidewalk Gaps
 - Do a sidewalk inventory; rank areas for new sidewalks or repairs.
 - Work with DeLDOT and the Dover/Kent County MPO to determine eligibility for grant and/or matching funds to fill sidewalk gaps.
 - Where new development is proposed, require developers to install sidewalks as authorized in the Subdivision Ordinance.
 - Develop capital-improvements project for annual, incremental sidewalk construction and repair.

Chapter 14. Land Use Plan

This chapter consists of three sections. The first describes Clayton's existing land uses. Using the visions, goals, and recommendations formulated in this plan, the second portrays Clayton's desired development pattern within its current boundaries and articulates the Town's position on growth within its boundaries. The last section presents Clayton's growth and annexation program and concludes with the Town's position on growth beyond its current boundaries.

Current Land Use

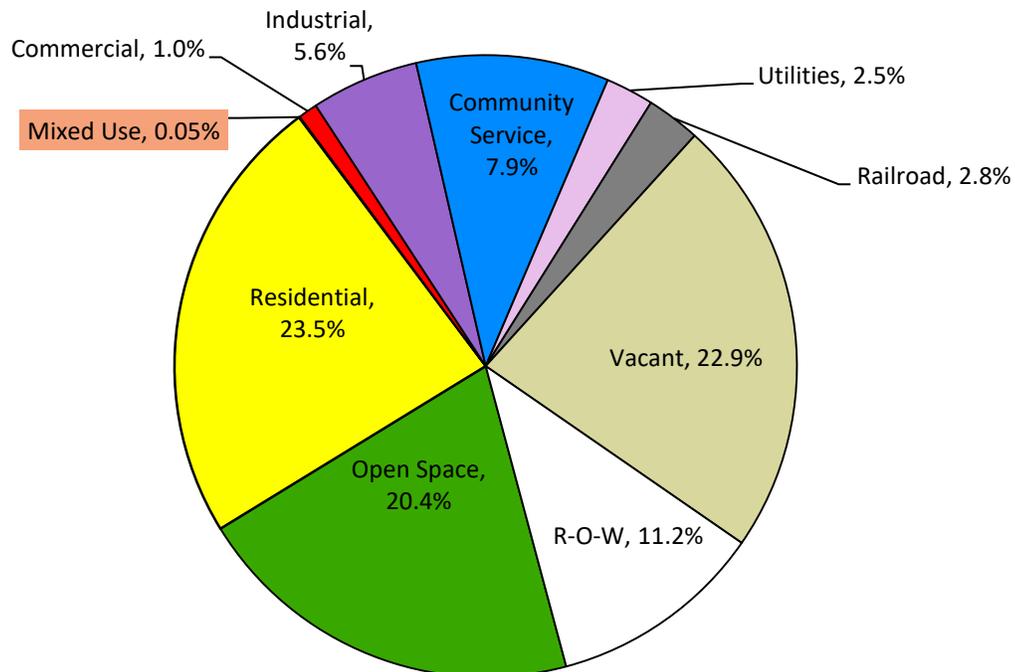
Map 11 depicts Clayton's current land uses. Current land use is a snapshot a jurisdiction's existing development pattern. In this section, Clayton's current land use classifications are described. The distribution of these land uses is also presented.

Land was classified on Map 11 as follows:

- **Open Space.** Areas used for public recreation, such as Rebar Park; open space and recreation areas recorded in Kent County land records; and stormwater management facilities in residential subdivisions.
- **Residential.** Land improved with any type of dwelling unit.
- **Commercial.** Land improved with retail, wholesale, sales, and service establishments, offices, and restaurants.
- **Mixed-Use.** Land occupied by buildings that have more than one use, which is often a combination of commercial and residential found primarily in Clayton's town center.
- **Industrial.** Land occupied by establishments where items are made, assembled, processed, stored, or handled.
- **Community Services.** Land occupied by institutional or cultural establishments such as nonprofit, social, religious, and public uses such as governmental and public safety facilities, healthcare facilities, libraries, senior centers, places of worship, and schools.
- **Utilities.** Land occupied by infrastructure uses required for land use activities such as natural gas, electric, water, sewer, and telecommunications systems.
- **Vacant.** Areas that have no land use activity.
- **Rights-of-Way (R-O-W).** Areas occupied by railroads, alleys, streets, streams, and ponds.

Figure 24 summarizes the distribution of land uses within the Town. As the chart shows, more than 23 percent of land in Clayton is residential while almost 23 percent is vacant. Just over 20 percent is classified as open space, but most of this land is located on the New Castle County portion of the Hanover Foods property. Nearly eight percent is used for community services, which include Clayton Elementary School, Providence Creek Academy, First State Military Academy, the Clayton town offices and police station, and the Clayton Fire Department.

Figure 24. Land-Use Distribution 2018



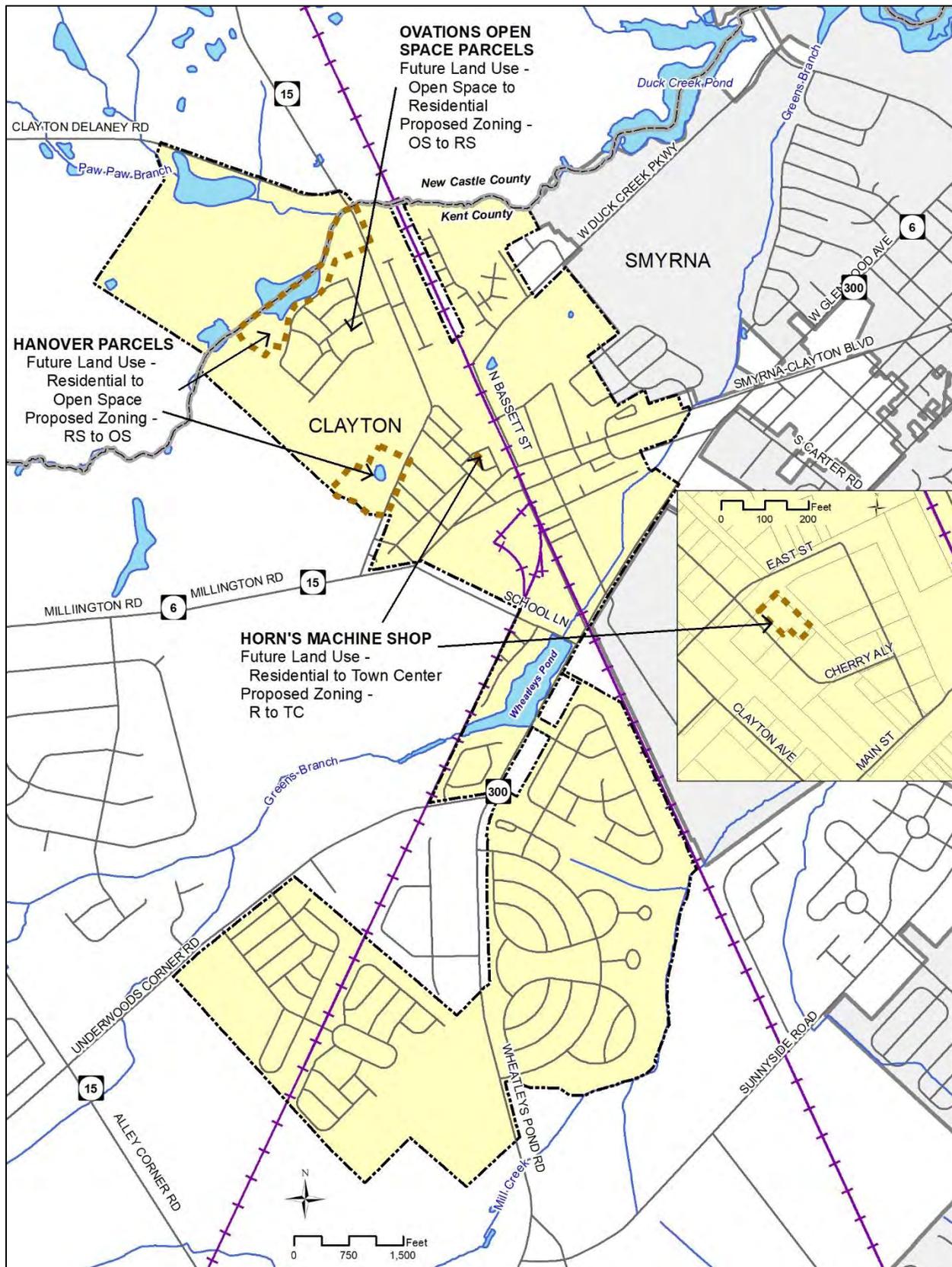
Source: Existing Land Use map; compiled by the Institute for Public Administration, April 2018.

Future Land Use in Town

Map 12 depicts the land use pattern that will guide the Town's development decisions and form the basis for the comprehensive rezoning that must follow the adoption of this Plan Update. Figure 25 shows the parcels where future land use is changed and the zoning districts that would be consistent with the land use changes. Except for the changes depicted in Figure 25, the Town's future land uses are the same as those in the 2008 Plan update.

Adoption of this Plan Update does not automatically enact the zoning changes shown in Figure 25. A separate ordinance to rezone must be enacted following plan adoption.

Figure 25. Future Land Use Changes



Position on In-Town Growth

Clayton's position on population growth within its town boundary calls for "staying the course." It anticipates growth consistent with the densities portrayed in the future land use map. As Figure 25 indicates, the future land use map shows few changes to the 2008 future land use plan.

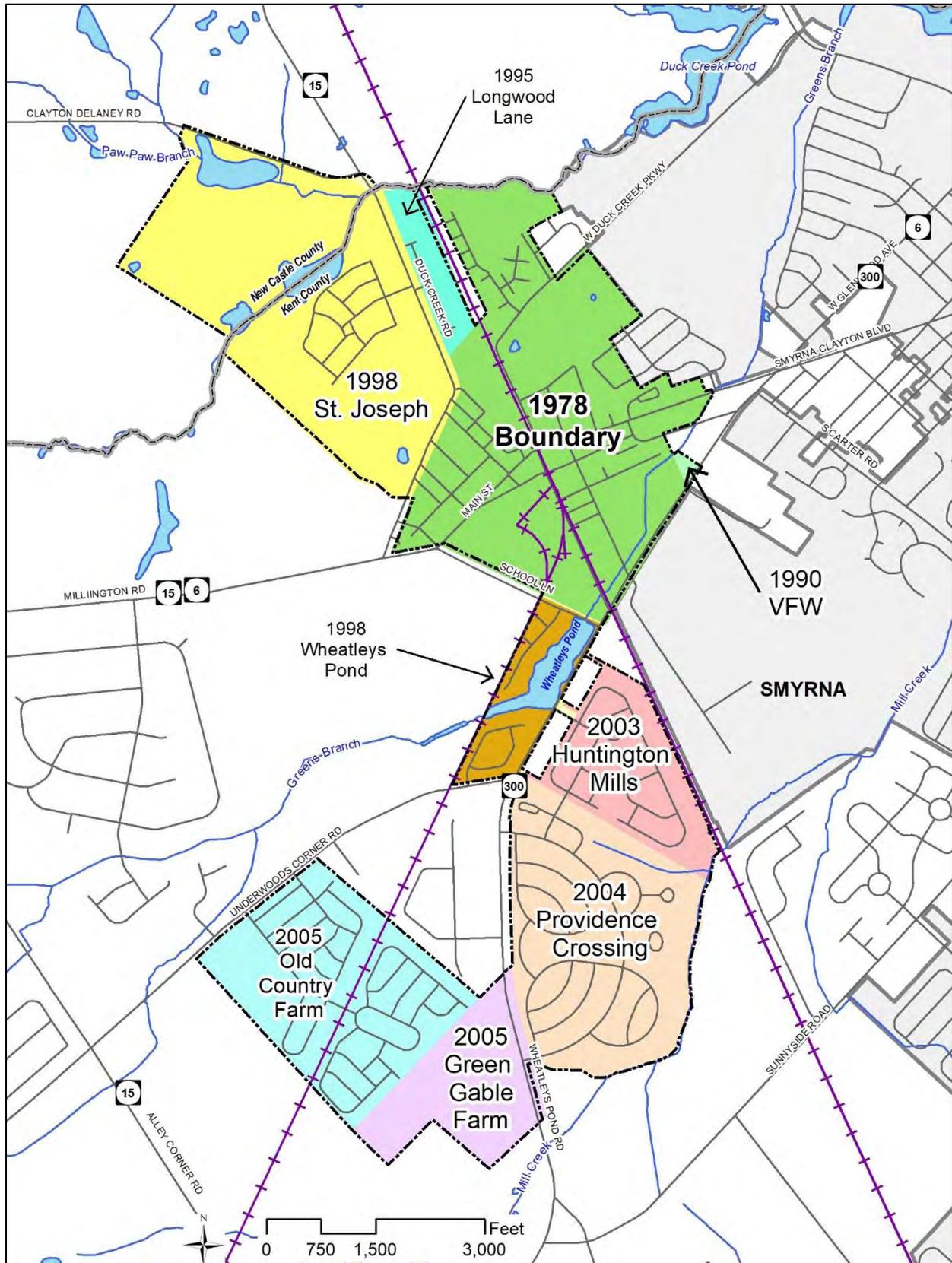
Like its position on community character, Clayton's position on population growth in town is supported by the responses to the questionnaire in Appendix A. As stated in the "Community Character" section of this Plan, most respondents who expressed what they like about Clayton identified its small-town living, walkability, and peaceful environment. They went on to indicate a preference for Clayton remaining "pretty much as it is."

Growth and Annexation

Figure 26 charts Clayton's annexation history from 1978 to the Town's most recent annexation in 2005. As the figure shows, the directions in which Clayton can annex are somewhat limited. Several small parcels "sandwiched" between Clayton and Smyrna in Kent County constrain eastward growth. SR 300 and the railroad limit growth to the southeast, because the land on the south side of SR 300 is either part of the Town of Smyrna or would constitute more logical extensions of Smyrna's town limits than Clayton's boundaries.

The most feasible area for Clayton's growth is west of its current boundaries, along SR 6 and Wheatleys Pond Road (SR 300) west of the railroad. Annexation of Wheatleys Pond, Huntington Mills (Davis Farm), Providence Crossing (Lester Farm), Old Country Farm (Mitchell Investments), and the Green Gable Farm indicates that Clayton has already charted expansion in this direction. Growth in a westerly direction not only would unite "Clayton West" with the heart of Clayton, but also would create a logical area for the provision of public services.

Figure 26. Annexation History Map



Annexation Process

Annexation is a process where land outside of Clayton becomes incorporated into the town. The annexation process involves complying with the *Delaware Code* and Clayton's charter.

State Law

Title 22, Section 101 of the *Delaware Code* outlines the state provisions governing municipal annexations.

1. Areas proposed for annexation must be identified in the comprehensive plan.
2. Any parcel proposed for annexation must be contiguous to the existing municipal boundary. "Contiguous" means that some part of a parcel proposed for annexation must be co-terminus with the boundaries of the annexing municipality and roads or rights-of way cannot be used to create "corridor" annexations.
3. Before a municipality can approve an annexation, a plan outlining how public services will be provided must be approved by the state. This review is organized by the Office of State Planning Coordination.
4. At the time of annexation, the municipality must enact an ordinance placing the newly annexed area in a zoning district that is consistent with the comprehensive plan.
5. As part of the annexation process, a municipality must provide public notice to affected parties and hold public hearings in a manner that complies with state and local statutes. The public outreach must include at least a 30-day comment period.

Clayton Charter

Section 1.3 of Clayton's charter states that:

If and when two-thirds (2/3) of the property owners in unincorporated territory contiguous to the Town of Clayton shall sign a petition seeking to have the area in which said property owners reside annexed to the Town of Clayton and submit the petition together with a survey of the area proposed for annexation to the Town of Clayton...

The charter goes on to outline the procedures for annexation.

Annexation Criteria

An important factor to consider when identifying properties for annexation is the economic feasibility of providing public services. Top priority should be given to areas where the Town currently provides services and high priority to areas where public services can be extended easily and economically.

The economic feasibility of service extension is especially important with regard to water and sewer service. Clayton's Subdivision Ordinance requires that every property within the town limits be connected to public water and sewer. To secure sewer service to Providence Crossing, Huntington Mills, and Old Country Farm, Clayton has partnered with Kent County and the Town of Smyrna to direct sewage to a lift station near Lake Como. Regarding water service, the Town has partnered with Artesian Water Company to construct a well and a storage tower in the Old

Country Farm subdivision. Artesian supplies water service to the Wind Song subdivision, located west of Clayton at the southeast quadrant of SR 6/15 and Alley Corner Road.

When reviewing annexation of a developed area, the condition of the area's existing infrastructure should be carefully evaluated. In some cases, the costs of bringing roads, street lighting, and stormwater-management facilities into compliance with Clayton's standards may exceed the revenues and other benefits of annexation.

Another factor is plans and policies of other levels of government, relevant state and county agencies, and school districts. High priority must be given to the state investment strategies because they indicate where the state is most likely to allocate its resources. Serious consideration must also be given to Kent County's growth area, which depicts the area where the county intends to provide utilities and services. Yet another consideration is Delaware's Farmland Preservation Program, which identifies areas earmarked for agriculture.

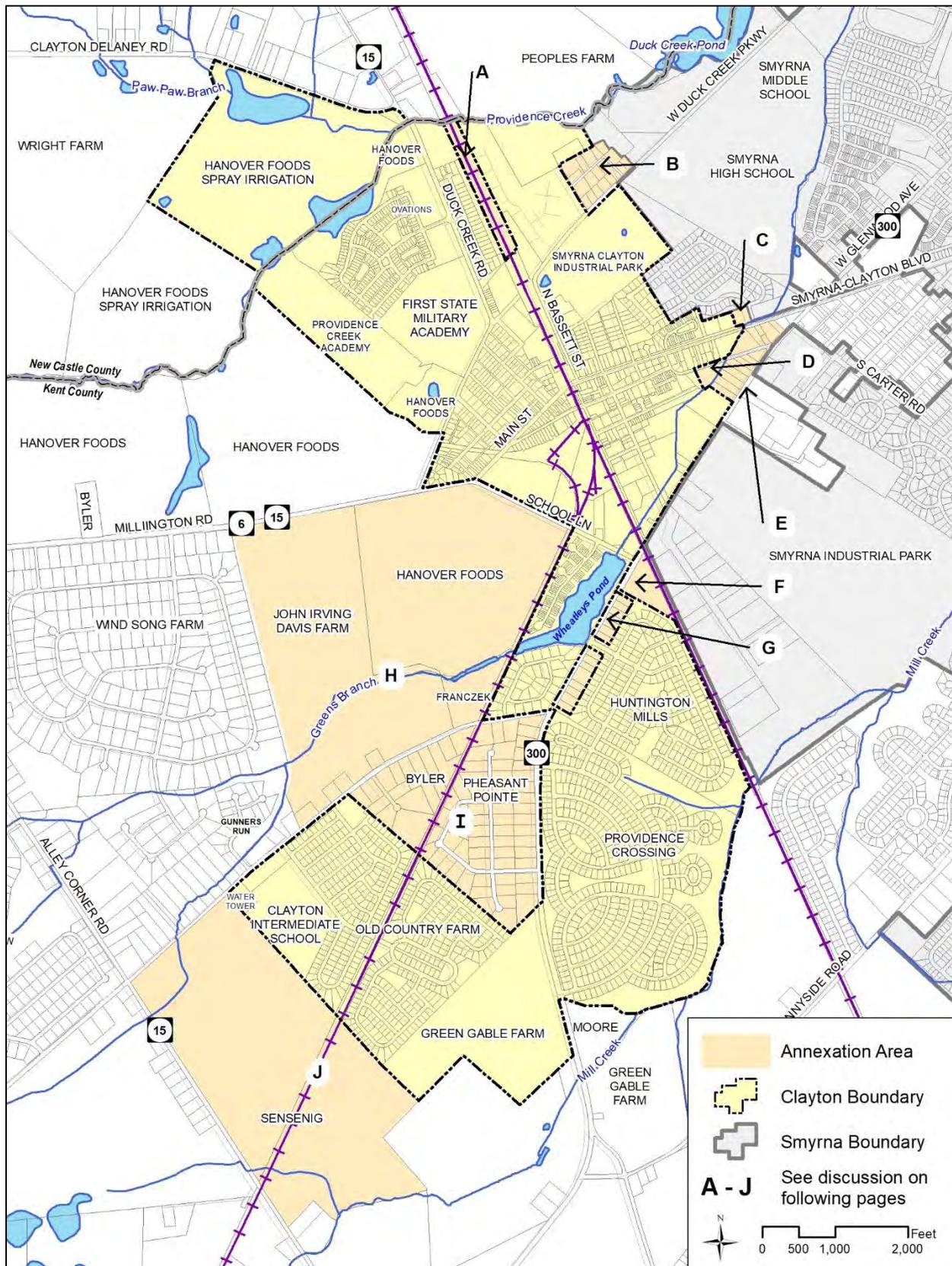
The Town should consider conducting a fiscal-impact analysis of the proposed development plan during the annexation review process. This analysis should include an estimate of the revenues that the proposed development would generate for the Town. It should also include an estimate of the costs of bringing existing infrastructure into compliance with town standards, as well as the costs of providing on-going town services to the area proposed for annexation.

Annexation Areas

Drawing on the annexation criteria outlined above, this section identifies and discusses areas suitable for annexation. Figure 27 depicts the location of each area. As Clayton's charter states, Clayton may consider annexing only when property owners request it.

Identification of any area or property for annexation does not mean that it automatically becomes part of Clayton, nor does it authorize Clayton to take unilateral action to annex it.

Figure 27. Annexation Area Map



Railroad at Providence Creek

Annexation Area Map Reference—A	
Number of Parcels	1
Acreage	7.4
Current Land Use	Delmarva Secondary Rail Right-of-Way
State Investment Strategy Level	1, 2, and 3
In Kent County Growth Zone?	Partially
2018 Kent County Plan Future Land Use	Industrial
Clayton Plan Future Land Use	Railroad

This parcel is recommended for annexation because it is surrounded on three sides by property in the Town of Clayton.

Dennison's Area

Annexation Area Map Reference—B	
Number of Parcels	19
Acreage	10.2
Current Land Use	17 Single-Family and Manufactured Homes; 2 Undeveloped
State Investment Strategy Level	1
In Kent County Growth Zone?	Yes
2018 Kent County Plan Future Land Use	Medium Density Residential
Clayton Plan Recommendation	Residential

This area is recommended for annexation because it is likely to be more economically feasible for Clayton, than for Smyrna, to provide sewer service. This area drains by gravity to and is within 2,000 feet of Clayton's sewage pumping station on Dump Road. Most of the homes in this area were constructed in the 1950s and 1960s and are served with individual wells and septic systems. Lots range in size from 14,000 square feet to one acre, an average lot being about a half-acre. A public health problem does not exist currently, but it is unlikely that the individual septic systems can continue to provide adequate waste removal indefinitely.

Although it may be economically feasible to extend water and sewer service to this area, Clayton must also evaluate the condition of the infrastructure serving the area, especially roads and streets. If these facilities do not meet Clayton's standards, Clayton should require that they meet town standards as a condition of annexation. In addition, public water should be extended in conjunction with sewer service.

Another issue affecting the annexation of this area is the most appropriate zoning for the property following annexation. Most of the parcels in this area are larger than the 10,000-square-foot minimum lot size of the RS Zone, Clayton's least-dense zone. Although placing the area in the RS Zone might enable the owners of the larger lots to subdivide their properties into

smaller lots; the existing road pattern and placement of structures on each lot precludes resubdivision of most lots.

Chandler Property

Annexation Area Map Reference—C	
Number of Parcels	1
Acreage	1.0
Current Land Use	Residential
State Investment Strategy Level	1
In Kent County Growth Zone?	Yes
2018 Kent County Plan Future Land Use	Medium Density Residential
Clayton Plan Recommendation	Residential

This property is recommended for consideration for annexation because it is more closely tied to Clayton than to Smyrna. In addition, Clayton can extend services to it.

Johnson Property

Annexation Area Map Reference—D	
Number of Parcels	1
Acreage	1.7
Current Land Use	Undeveloped
State Investment Strategy Level	1
In Kent County Growth Zone?	Yes
2018 Kent County Plan Future Land Use	Medium Density Residential
Clayton Plan Recommendation	Residential

Until recently, this property was assumed to be included within Clayton's town boundary. Accordingly, it is recommended for consideration for annexation to solidify Greens Branch as Clayton's boundary. Residential land use should be considered because it would maintain consistency with the land use pattern in the area surrounding this parcel. In addition, Clayton can logically extend services to it.

SR 6/300 Triangle

Annexation Area Map Reference—E	
Number of Parcels	14
Acreage	10.1
Current Land Use	13 Single-Family; 1 Undeveloped
State Investment Strategy Level	1 and 2
In Kent County Growth Zone?	Yes
2018 Kent County Plan Future Land Use	Commercial
Clayton Plan Recommendation	Commercial

The most compelling reason for considering annexation of these 14 parcels is that Clayton provides electricity to them. In addition, Clayton can easily supply public water to these properties. Further, sewer can be provided utilizing the recently constructed transmission line on the north side of Wheatleys Pond Road between South Rodney Street and the current town limits.

Commercial land uses are recommended for these properties as a logical continuation of the commercial area fronting Wheatleys Pond Road east of South Rodney Street. This designation would increase commercial acreage available to service the Smyrna Industrial Park and the subdivisions west of the railroad. It further provides an opportunity for Clayton to diversify its tax base.

Lebanon Chemical Corporation Property

Annexation Area Map Reference—F	
Number of Parcels	1
Acreage	6.0
Current Land Use	Abandoned Fertilizer Processing Plant
State Investment Strategy Level	2
In Kent County Growth Zone?	Yes
2018 Kent County Plan Future Land Use	Commercial
Clayton Plan Future Land Use	Commercial

This property is zoned IL (Light Industrial) and was used as an agricultural fertilizer production plant, which ceased operations several years ago. A review of the Kent County Zoning Ordinance indicates that a fertilizer processing plant is not allowed in the IL zone. Thus, this use has lost its legal, nonconforming status, and fertilizer production cannot resume.

It is logical to include this property within Clayton because of its location between the Huntington Mills subdivision and the railroad, which divides Clayton from Smyrna. Delmarva Power supplies electricity to the property, and Clayton can easily provide water and sewer if requested.

Commercial land use is recommended for consideration for this parcel because it provides another opportunity for neighborhood retail and/or offices to serve the residential communities west of the railroad. Review of a development plan for this parcel should consider the following:

- Soil contamination that might have resulted from chemical processing operations
- Allowing one access point located a safe distance from the railroad crossing
- Ensuring compatibility with homes in adjacent Huntington Mills and residential properties fronting on Wheatleys Pond Road. This could be accomplished by placing new structures close to the railroad away from homes. Another way to minimize adverse effects might be to work with a developer to install plantings and fencing along the border with Huntington Mills.

Wheatleys Pond Road Single-Family Area

Annexation Area Map Reference—G	
Number of Parcels	15
Acreage	8.4
Current Land Use	13 Single-Family; 2 Undeveloped
State Investment Strategy Level	2
In Kent County Growth Zone?	Partially
2018 Kent County Plan Future Land Use	Medium Density Residential
Clayton Plan Recommendation	Residential

That Clayton supplies electricity to the homes in this area validates their recommended inclusion within Clayton’s town limits. Furthermore, these homes are served with individual well and septic systems. Should it become necessary to provide, or should the home owners wish to receive, water and sewer service, it is likely to be economically feasible for Clayton to provide service, since the Town has extended sewer lines to service the adjacent Huntington Mills subdivision.

Residential land use is recommended for these lots to continue the current land use pattern. Even though the 15 lots are substantially larger than the 10,000-square-foot minimum for lots in the RS Zone, resubdivision, though theoretically possible, is unlikely to occur given the placement of existing structures and the requirements for new construction, particularly access. Since these lots front Wheatleys Pond Road, which is a state road, they present no problems regarding road standards.

Hanover and Davis Farms Area

Annexation Area Map Reference—H				
	Hanover Home Farm	Franczek Property	John Irving Davis Farm	Davis Frontage Properties
Number of Parcels	1	1	1	4
Acreage	130.0	10.0	149.2	4.4
Current Land Use	Agriculture	Single-Family	Agriculture	Single-Family
State Investment Strategy Level	3	3	3	3
In Kent County Growth Zone?	Part	No	No	No
2018 Kent County Plan Future Land Use	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential
Clayton Plan Recommendation	Residential	Residential	Residential	Residential

This plan includes the Hanover and Davis Farms Area for annexation because it provides an opportunity for additional housing choices within the town, especially for growing families wishing to settle or remain in Clayton. The Franzcek and Frontage properties are included to avoid the creation of enclaves. If the entire area could be developed as a single community, it could provide housing choice for all types of households as well as open space and recreation. Greens Branch, which flows through Wheatleys Pond, and the rail spur provide an opportunity to connect these properties to other Clayton neighborhoods with walking and bike paths, thus implementing this plan’s recreation, open space, and transportation recommendations. These properties also present an opportunity for Clayton to create open space under the mandatory dedication standards of Clayton’s Subdivision Regulations or to acquire land on which to provide public open space and recreational opportunities. They also create an opportunity to create additional vehicular, bike, and pedestrian connections between “Clayton West” and the town center.

Three issues affect the development of these properties. The first is sewage service. A pumping station would be required to direct sewage into the Clayton system. A second issue is the floodplain associated with Greens Branch. Homes should be located a sufficient distance from the boundary of this floodplain. A third issue affecting the Franczek property is the substantial wetlands in its northwest corner.

A development plan for the Davis and Hanover Farms should consider including the following elements:

- A cluster layout that features a variety of housing types.
- Designation of the stream and floodplain as open space.
- Vehicular connectivity between the parcels (if developed at different times), with the rest of the town, and to Millington and Underwoods Corner Roads.
- Bike and walking paths that lead to the town center and to the Clayton-Easton Rail-Trail.
- Open space to tie into Wheatleys Pond, within subdivision process.
- Incorporation and buffering of the frontage properties.

Further development for the Franzcek property should consider including the following elements:

- Designation of the stream and floodplain as open space.
- Connection to the Clayton-Easton Rail Trail.
- A buffer between the wetlands and platted lots.

Byler and Pheasant Point Area

Annexation Area Map Reference—I		
	Byler Subdivision	Pheasant Point Subdivision
Number of Parcels	16	61
Acreage	29.0	67.0
Current Land Use	6 Single-Family; 10 Undeveloped	61 Single-Family
State Investment Strategy Level	4	4
In Kent County Growth Zone?	No	No
2018 Kent County Plan Land Use	Low Density Residential	Low Density Residential
Clayton Plan Recommendation	Residential	Residential

These properties are recommended for annexation for the following reasons:

- A logical town boundary and utility-service area for Clayton would be established.
- Enclaves (county land surrounded by land within municipal boundaries) would not be created.
- Water service can be supplied by Clayton and Artesian.
- Clayton and Kent County can provide sewer service utilizing the county lift station near Lake Como.
- Clayton can easily provide other services, especially police protection.

Sensenig Property

Annexation Area Map Reference J			
	West of Railroad	East of Railroad	Railroad
Number of Parcels	1	1	1
Acreage	126.5	78.9	3.6
Current Land Use	Agriculture	Agriculture	Rail Line
State Investment Strategy Level	4	4	4
In Kent County Growth Zone?	No	No	No
2018 Kent County Plan Land Use	Low Density Residential	Low Density Residential	Low Density Residential
Clayton Plan Recommendation	Residential	Residential	Railroad

These properties are recommended for annexation as a logical extension of Clayton’s boundaries to Alley Corner Road (SR 15) and Underwoods Corner Road. The road, together with the agricultural easement bordering the Green Gable Farm and the Sensenig property, form a strong transition from municipal development to the rural character south and west of Alley Corner Road.

The issues affecting the development of this property are similar to many of the other properties recommended for annexation, especially the economic feasibility of extending sewer service. A development plan for this parcel should consider including the following elements:

- Cluster layout that provides for a variety of housing types.
- Usable open space in the areas created by clustering.
- Pedestrian and bike connections to the school site in the Old Country Farm subdivision, the Green Gable Farm, Alley Corner Road, and Wheatleys Pond Road (which is a state bicycle route).
- Vehicular connectivity to the Green Gable Farm.

Areas Not Recommended for Annexation

The following areas are not recommended for annexation in this plan.

- Twin Farms, Gunners Run, Wind Song Farm, and the lots on the east side of Alley Corner Road (SR 15) because they are, or are soon to be, developed.
- The Hurd property, because it would not be contiguous with Clayton’s future boundaries and since annexation of Twin Farms, Wind Song Farm, and the lots fronting the east side of Alley Corner Road are not proposed for annexation.
- Plantation Crossing, Jockey Hollow Farm, and Kentbourne because of their locations west of Alley Corner Road—a logical future boundary for Clayton.
- Hanover Foods Plant, since Clayton lacks sufficient sewage transmission capacity to service the plant.

- Agricultural Preservation Areas depicted on Map 2, since they are more appropriately left in Kent County, and they form a logical transition from urban to rural density.

Though this plan does not recommend the areas identified above for annexation, the Clayton community remains concerned about becoming the *de facto* service provider (electricity, water, sewer, police) for these and other nearby areas that are not within its corporate limits.

Position on Town Growth and Annexation

Although this Plan Update identifies areas as suitable for annexation, Clayton is not looking to annex territory in the near future. As indicated Appendix A, questionnaire respondents clearly articulated their preferences that Clayton maintain its small-town atmosphere and not annex new territory. This is not to say that annexation petitions would automatically be denied; rather, they will be considered on a case-by-case basis.

Chapter 15. Implementation Tools

The Comprehensive Plan is the key component of the municipal planning process. The land use map depicts the general locations for, character of, and density of development in Clayton. It serves as a basis for the community's subsequent decisions concerning new development and redevelopment. This section describes many of the mechanisms referred to in the "Recommended for Consideration" sections at the end of each chapter. It also includes recommendations to keep these implementation tools current.

Required Implementation Actions

Following adoption of a comprehensive plan, each jurisdiction must comply with the following provisions of the *Delaware Code*:

Comprehensive Rezoning

Title 22, Section 702(c) of the *Delaware Code*, requires that every municipality:

... within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.

Map 13 depicts Clayton's zoning districts as of December 2011. Clayton must adopt a new zoning map within 18 months of the adoption of this Plan Update. The zoning districts in the new zoning map must reflect future land uses. Table 16 shows how Clayton's zoning districts might match up with the land uses depicted on Map 12. These match ups are intended as guidance for the Town Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations. A separate ordinance to rezone must be enacted following adoption of a comprehensive plan.

Plan Update

Title 22, Section 702(e) of the *Delaware Code* also requires that:

At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.

Clayton's last complete plan update was adopted on December 8, 2008 and certified by the governor on January 7, 2009. Since this document is a full plan update, the next full plan update will be due in 2028. In 2023, which is five years following this update, the plan must be

reviewed to determine whether it is sufficient to guide Clayton’s development decisions through 2028.

Table 16. Land Use and Zoning Link

Land Use	Zoning District(s)
Open Space	OS, Open Space
Residential	OS, Open Space RS, Residential Suburban R, One-Family and Townhouse R1, Multiple-Family RMH, Residential Manufactured Housing
Town Center	OS, Open Space TC, Town Center
Commercial	OS, Open Space C1, Neighborhood Commercial C2, General Commercial
Industrial	OS, Open Space I, Industrial
Railroad	OS, Open Space RR, Railroad

Annual Report

Title 22, Section 702(f) of the *Delaware Code* requires the submission of annual reports to Office of State Planning Coordination each July 1.

Land Use, Building, and Property-Maintenance Codes

Land use (zoning and subdivision), building, and property-maintenance codes are perhaps the most important (and visible) plan-implementation strategies. The comprehensive plan recommends general locations, character, and density of development, but the codes and ordinances adopted to implement the plan are laws with penalties for violation. Land use codes (zoning and subdivision) legislate permitted uses in each zone and stipulate how undeveloped land can be made suitable for development. Building codes govern construction standards, and property-maintenance codes insure that, once built, premises are kept in good condition.

Land Use (Zoning and Subdivision) Codes

The zoning ordinance consists of a written document and a map. It divides a municipality into districts or zones and establishes regulations governing the use of land in each district. The ordinance specifies what types of activities (uses) can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates

building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, space for off-street parking, and environmental-protection standards.

Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity, and amenities that a developer must supply prior to the sale of subdivided land.

Clayton's first zoning and subdivision ordinances were adopted in 1979. Working closely with the Planning and Zoning Committee, the Clayton Town Council completely revised the Zoning Ordinance in 1998 and the Subdivision Ordinance in 1999. Since then, several amendments have been adopted to each ordinance. Over the last 15 years, a number of local governments have merged zoning and subdivision regulations into a single ordinance. Accordingly, it is recommended that Clayton also consider consolidating its zoning and subdivision regulations.

Building Code

A building code establishes standards for the construction of new buildings and additions or substantial changes to existing buildings. A building code specifies the types of materials that may or may not be used and mandates standards for structural integrity and general design. Clayton contracts with First State Inspection Agency, Inc. for the administration of building regulations. To ensure compliance with the provisions of the building code, permits are required, and inspectors make routine inspections at certain milestones in the construction process.

Clayton has adopted the International Code Council's *International Building Code (IBC)/International Residential Code (IRC)*, 2012 Edition as the Town's official building code.

Property-Maintenance Code

A property-maintenance code establishes standards regarding how a structure is to be maintained once it is built. It is different from a building code, which specifies regulations for construction. Property-maintenance codes deal with occupancy (number of persons per room), plumbing and heating (e.g., minimum and maximum temperature), and fire safety. It also sets standards for getting into, getting out of, and moving around a residence by regulating such things as corridors, obstructions to exits and entrances, and access to bedrooms and bathrooms.

Clayton has adopted the International Code Council's *International Property Maintenance Code*, 2012 Edition.

Code Enforcement

Code enforcement is important for Clayton. Town staff work with inspectors from First State Inspection for the enforcement of zoning, subdivision, building, and property maintenance codes.

Capital-Improvements Programming

Capital-improvements programming is a process of scheduling public physical improvements over a number of years, with a typical program covering five to six years. A capital-improvements program (CIP) is the document that reflects the outcome of capital-improvements programming. Once adopted, this program would become Clayton's fiscal plan—or schedule—for financing public improvements over time. A capital improvement is a new or expanded physical facility that is relatively large in size, expensive, and permanent. Typical capital-improvement projects include street construction or resurfacing, water-transmission lines, street lighting, downtown redevelopment projects, sidewalk improvements, and land acquisition. The CIP schedule balances a jurisdiction's need for public facilities with its ability to pay for them. By planning its capital improvements over a number of years, a jurisdiction stabilizes public expenditures and avoids sharp fluctuations in the tax rate. In addition, the process of programming capital improvements includes setting priorities on capital expenditures based on available funds, public need, and community support.

This plan identified several areas where capital-improvements programming could help Clayton identify needed public improvements and plan for accomplishing them.

One type of capital-improvement project could be a revolving fund for land acquisition for open space. Each year the council could channel a portion of revenues to a separate fund that could be tapped when an opportunity to purchase recreational land becomes available. These funds might also be used to match state contributions to acquire recreational land.

Another capital project might involve establishing a sinking fund for periodic repair and upgrade to the water and sewer systems. This ensures that sufficient funds are available for an unanticipated expenditure and would enable Clayton to spend a little money each year on routine maintenance to avoid a major overhaul of the systems and the large expenditure associated with it.

A similar sinking-fund arrangement might be appropriate for town beautification, where the Town Council would set aside a little money each year for street furniture, new signs, and trees for the town center. These funds could be used in conjunction with funds and technical assistance from state agencies to develop a town center-revitalization program.

Healthy Communities Initiative

A community that supports healthy lifestyles is one that provides opportunities for physical activities and healthy eating. Clayton already has a number of laws, regulations, and policies aimed at encouraging healthy lifestyles. This Plan Update recommends for consideration continuing support for these efforts as well as a number of new recommendations for healthy living.

- This Plan Update recommends for consideration a system of trails and pathways.

- Dedication of land for open space is a requirement for development approval in Clayton. In addition, each new subdivision must have a system for non-vehicular connection within the subdivision and to adjacent communities where feasible.
- Clayton continues to support development of the Clayton-Easton Rail Line as a rail-trail.
- Clayton's Subdivision Regulations require five-foot wide-sidewalks in residential subdivisions. In nonresidential areas, sidewalks must extend from curb to property line.

Boundary Maintenance

Section 1.2 of the Clayton Charter authorizes recordation of the Town boundaries with the Recorder of Deeds. For the past several years, the Office of State Planning Coordination has worked with municipalities to record their official boundaries with the Recorder of Deeds in their respective counties. The purpose for this is to clear up confusion and provide official repositories for official municipal boundaries.

On August 11, 2014, the Clayton Town Council adopted an ordinance establishing an official map depicting the town boundaries. The ordinance and map were recorded on September 2, 2014 with the Kent County Recorder of Deeds and on August 25, 2014 with the New Castle County Recorder of Deeds.

Intergovernmental Coordination

Over the years, Clayton has sought assistance from various county agencies on a number of issues. Clayton has enjoyed an ongoing relationship with Kent County since 1978, when the county planning staff helped Clayton adopt its first comprehensive plan. As pointed out earlier, this relationship must be strengthened to achieve land use patterns in the county that complement Clayton's development densities.

Recently, Clayton offered comments on Kent County's 2018 Comprehensive Plan and worked with county staff to resolve issues concerning proposed future land uses for the Davis and Hanover Home Farms.

With respect to state agencies, the PLUS process has encouraged closer ties between Clayton and the PLUS members. Many state agencies have provided guidance on plan elements outside of the formal PLUS review meetings. Particularly significant is the solid relationship that has been forged between Clayton and the Office of State Planning Coordination. State planning staff have been instrumental in identifying and solving local planning issues, especially those that cross jurisdictional boundaries.

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Maps

This section includes the maps referred to throughout this document.

- Map 1. Clayton Vicinity Aerial View
- Map 2. State and County Planning Environment
- Map 3. Water Resources
- Map 4. Community Facilities
- Map 5. Clayton-Smyrna Region Major Park and Recreation Areas
- Map 6. Clayton Vicinity Park, Open Space, and Recreation Areas
- Map 7. Clayton Vicinity Utilities
- Map 8. Source-Water-Protection Areas
- Map 9. Roads, Routes, Railroads, and Scenic Byway
- Map 10. Clayton Vicinity Trails & Pathways Issues & Opportunities
- Map 11. Current Land Use
- Map 12. Future Land Use
- Map 13. Existing Zoning



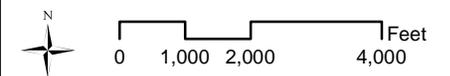
Town of Clayton

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Map 1. Clayton Vicinity Aerial View

- County Boundary
- Clayton Town Boundary
- Smyrna Town Boundary
- U.S. Roads
- State Roads
- Local Roads
- Railroads
- Streams
- Water Bodies



Sources

Imagery - ESRI; USDA Farm Service Agency National Agriculture Imagery Program (NAIP), accessed 05/03/2018.

Municipal Boundaries - Smyrna from FirstMap, downloaded 06/06/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.

Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.

Railroads, Water Bodies & Streams - FirstMap.

Note

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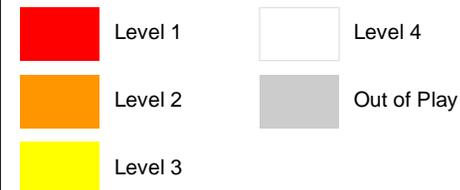
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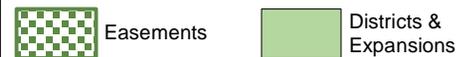
Map 2. State and County Planning Environment

Strategies for State Policies & Spending Investment Levels 2015



"Out of Play" examples include 1.0% annual chance flood-hazard areas, recorded open spaces, publicly owned land, water bodies, tidal wetlands, and agricultural easements.

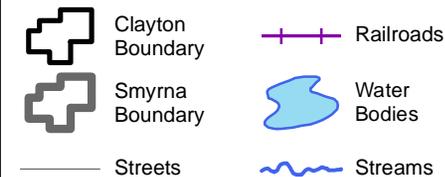
Agricultural Preservation Areas 2017



Kent County Planning 2018



Base Map Data



Sources

State Strategies - FirstMap, downloaded 05/31/2016.
Agricultural Preservation - FirstMap, downloaded 06/27/2017.
Municipal Boundaries - Smyrna from FirstMap, downloaded 04/05/2018;
 Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Kent County Growth Zone - 2018 Comprehensive Plan, Draft #1.
Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.
Railroads, Water Bodies & Streams - Firstmap.

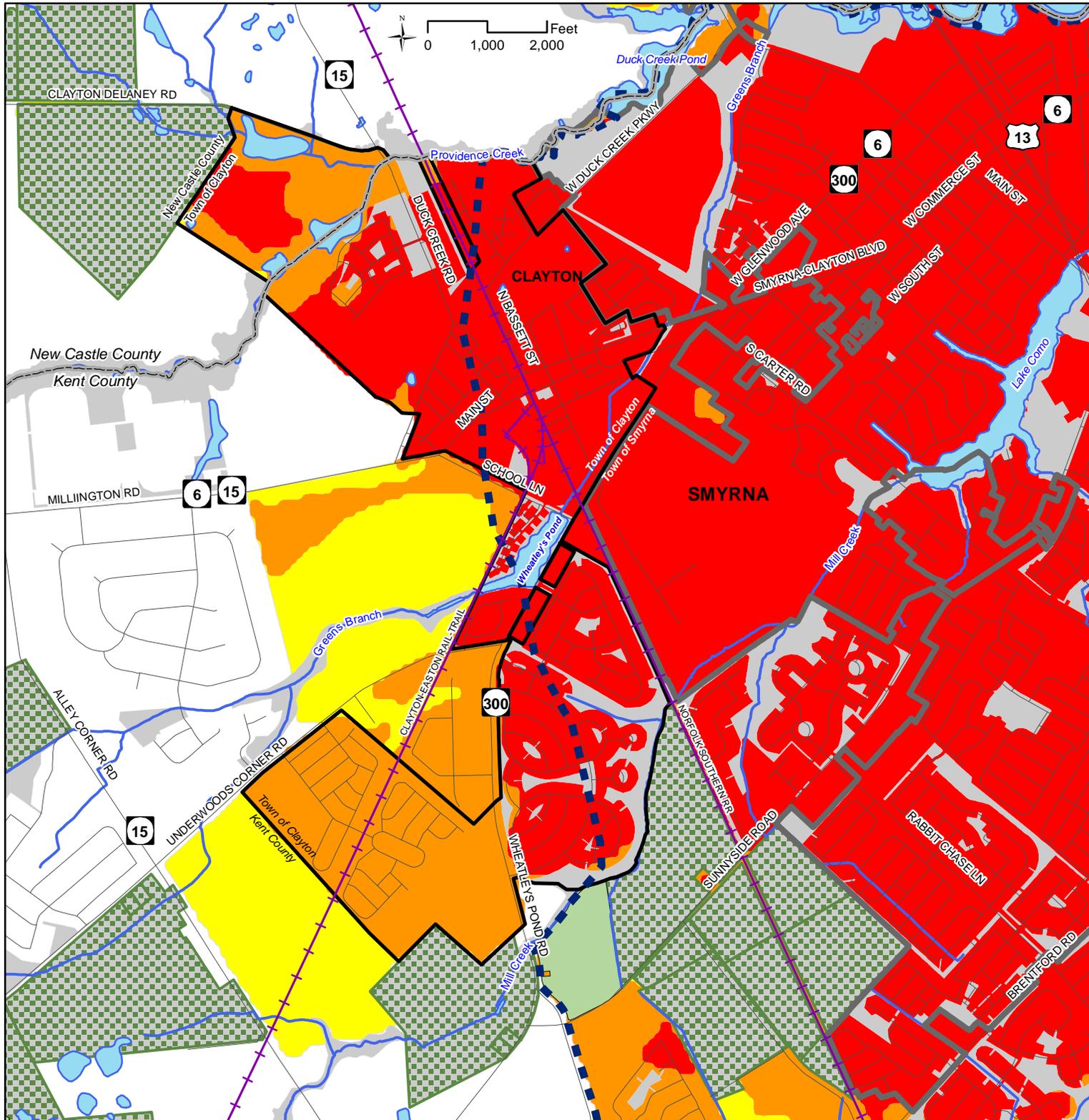
Note

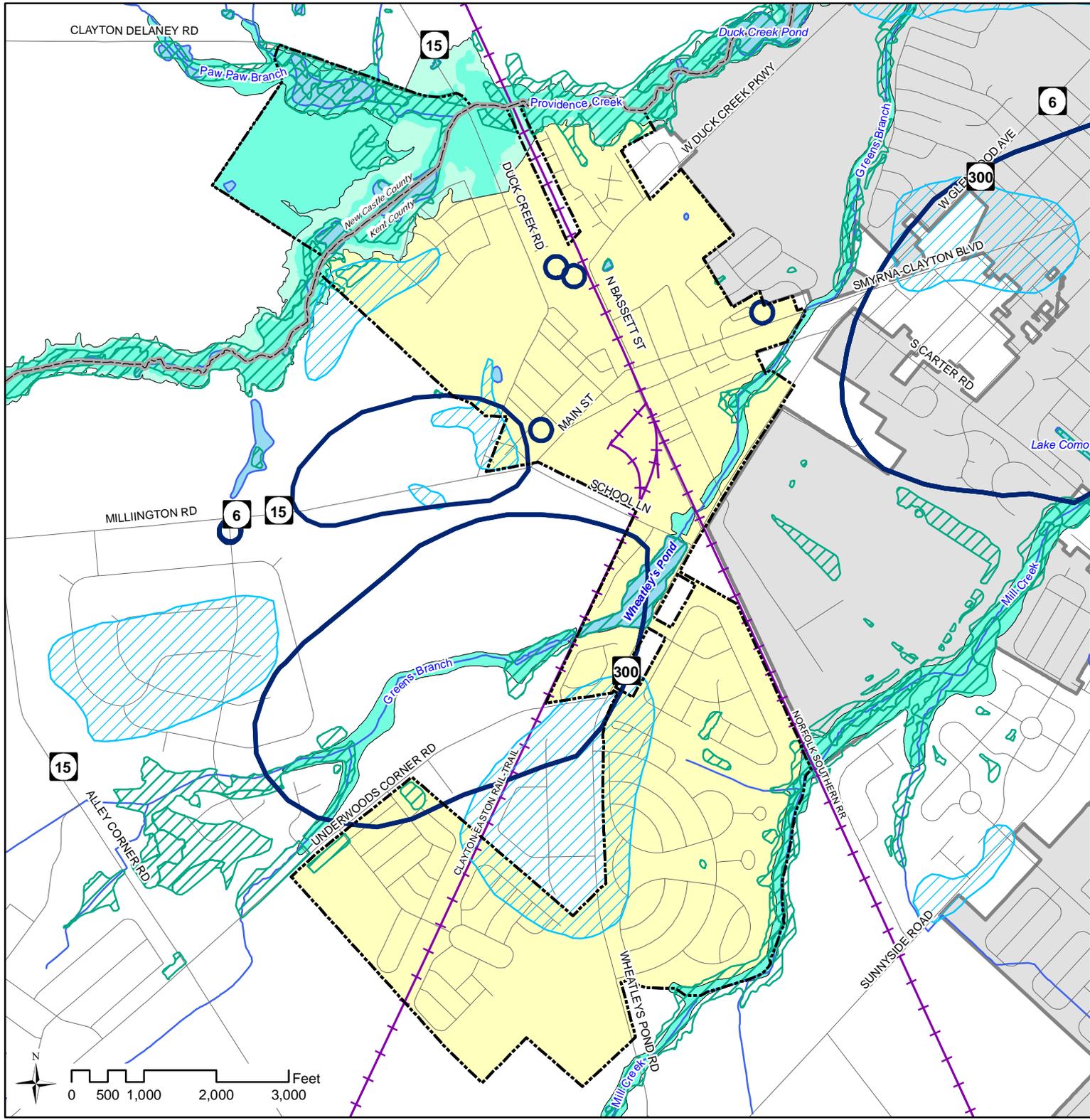
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2018 Comprehensive Plan Update

Map 3. Water Resources

Streams & Water Bodies

- Streams
- Water Bodies

Flood Hazard Areas

- 1.0% Annual Chance - A, AE, AH, AO, AR, A1-A30, V & VE, Zones, 100-Year Flood
- 0.2% Annual Chance - Shaded "X" Areas, 500-Year Flood
- Minimal Flood Hazard - Outside of 0.2% & 1.0% Annual Chance Flood

Wellhead, Wetland & Recharge Areas

- Excellent-Groundwater-Recharge-Potential Areas
- Wellhead-Protection Areas
- Wetlands

Base Map Data

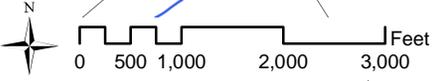
- Clayton Boundary
- Smyrna Boundary
- Streets
- Railroads

Sources
 Railroads, Water Bodies, Streams, Wetlands, Recharge & Wellhead Protection Areas - FirstMap.
 Flood Hazard Areas - Federal Emergency Management Agency (FEMA), National Flood Hazard Layer, latest study effective 03/07/2017, latest LOMR effective 11/18/2016.
 Municipal Boundaries - Smyrna from FirstMap, downloaded 06/16/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
 Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.

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Map 4. Community Facilities

Town Government



Town Hall



Public Works

Public Safety



Ambulance



Police



Medic Station



Fire

Educational Facilities



Public



Charter



Private

Civic & Social



Post Office



Senior Center



Library

Base Map Data



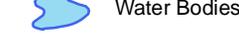
Clayton Boundary



Railroads



Smyrna Boundary



Water Bodies

Streets



Streams

Sources

Municipal Boundaries - Smyrna from FirstMap, downloaded 06/16/2016;
Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.

Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.

Railroads, Water Bodies & Streams - FirstMap.

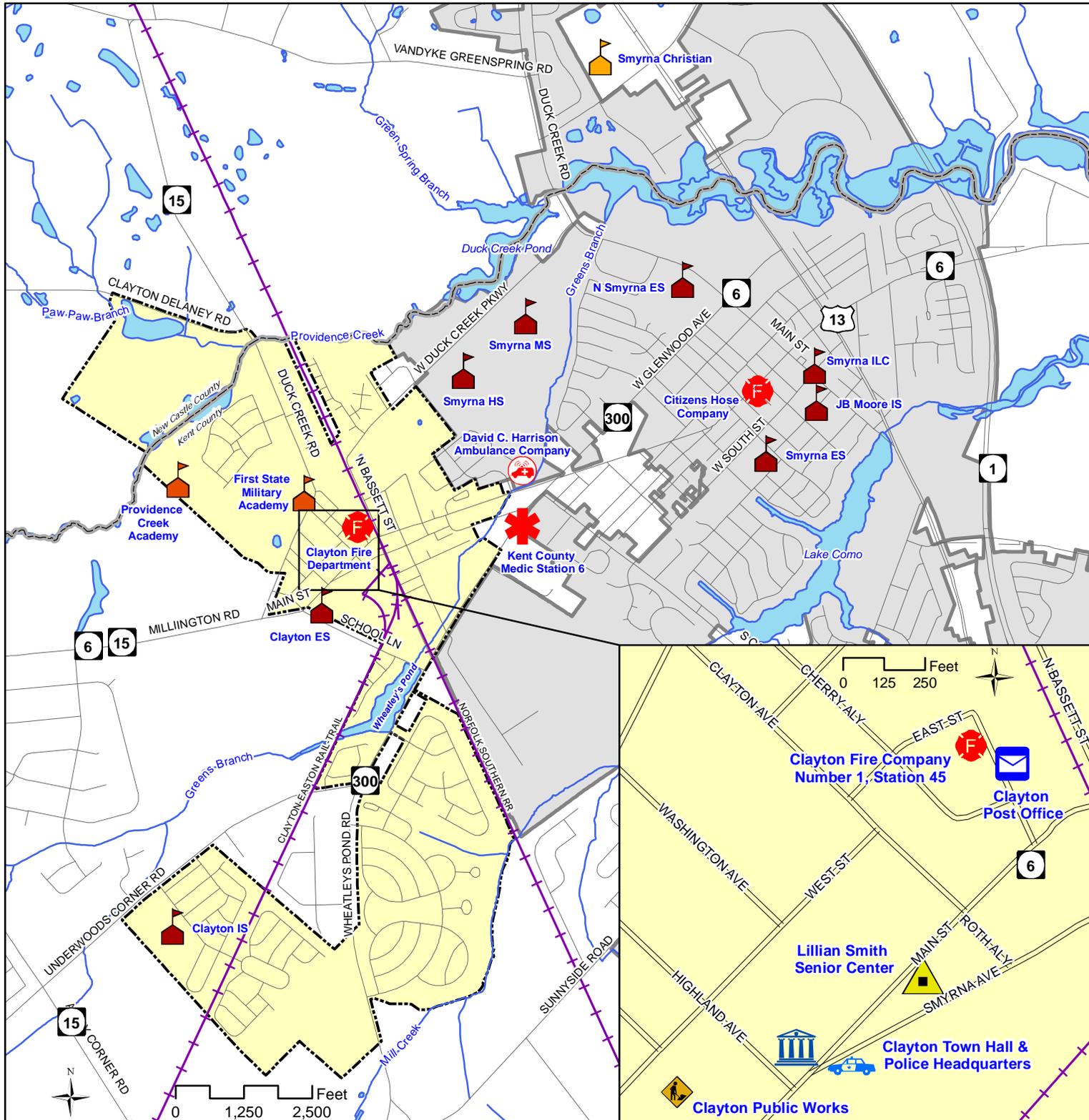
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**Map 5. Clayton-Smyrna Region
Major Park & Recreation Areas**

-  Park & Recreation Locations
-  County Boundary
-  Clayton Boundary
-  Smyrna Boundary
-  Roads
-  Railroad
-  Water Bodies
-  Streams

Sources

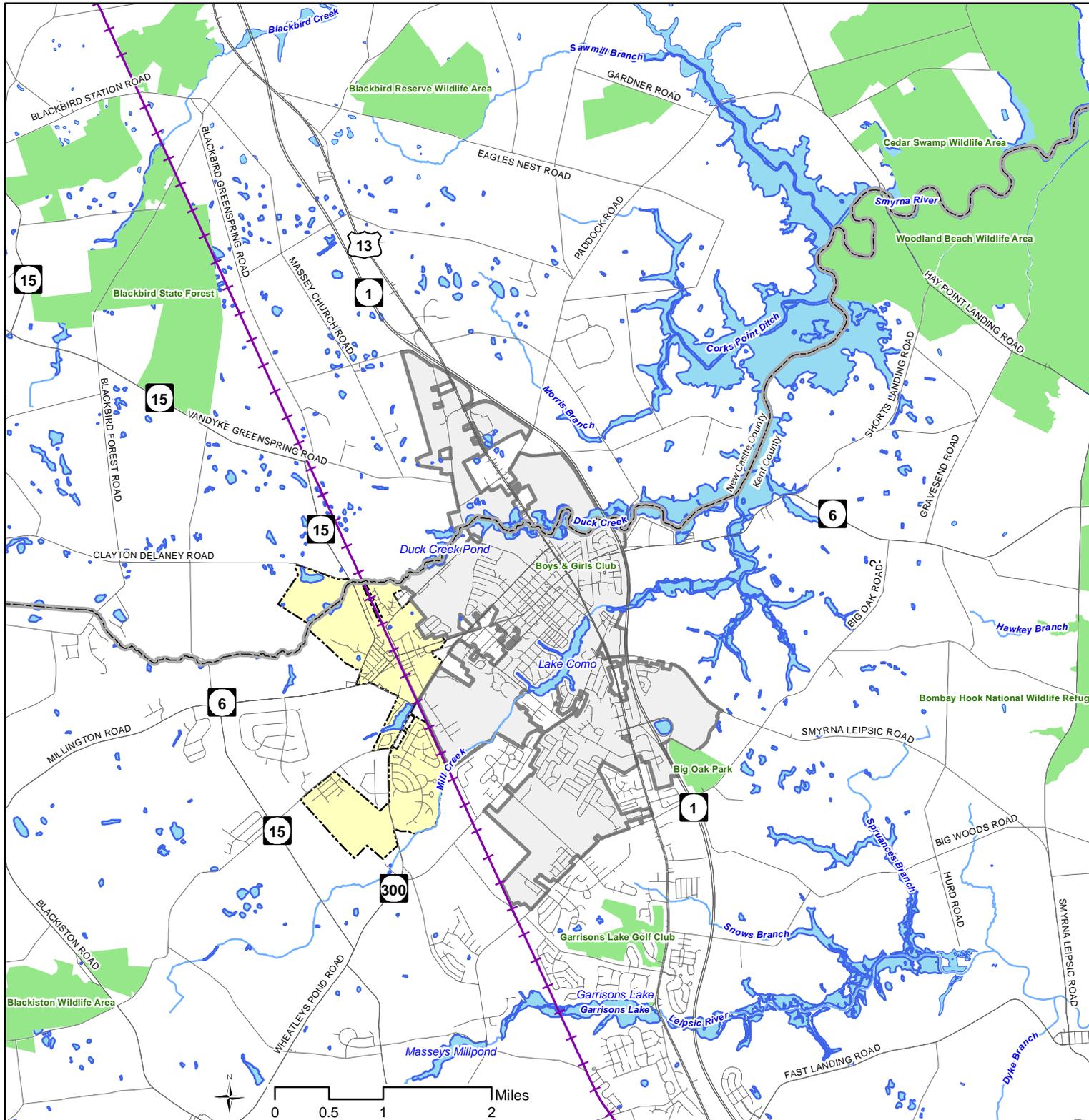
Park & Recreation Locations, Streets, Water Bodies & Streams, Railroads - FirstMap.
Municipal Boundaries - Smyrna from FirstMap downloaded 03/05/2018; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Streets - Kent County Department of Planning Services, 05/21/2014; New Castle County eMap, 05/30/2014.

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Map 6. Clayton Vicinity Park, Open Space & Recreation Areas

Clayton Open Space

- Existing (solid green) Proposed for Consideration (checkered green)

Trails & Pathways See Map 10.

- Existing (solid orange line) Proposed for Consideration (dashed orange line)

Park & School Sites

- Schools (red flag icon) Parks (solid green icon)

Natural Areas

- Water Bodies (blue wavy icon) 1.0% Annual Chance Flood (light blue wavy icon) Wetlands (green hatched icon) Streams (blue line icon)

Downtown Development District

- District Boundary (dashed orange line)

Base Map Data

- Clayton Boundary (yellow outline) Parcel Boundaries (grey outline) Smyrna Boundary (grey outline) Streets (grey line)

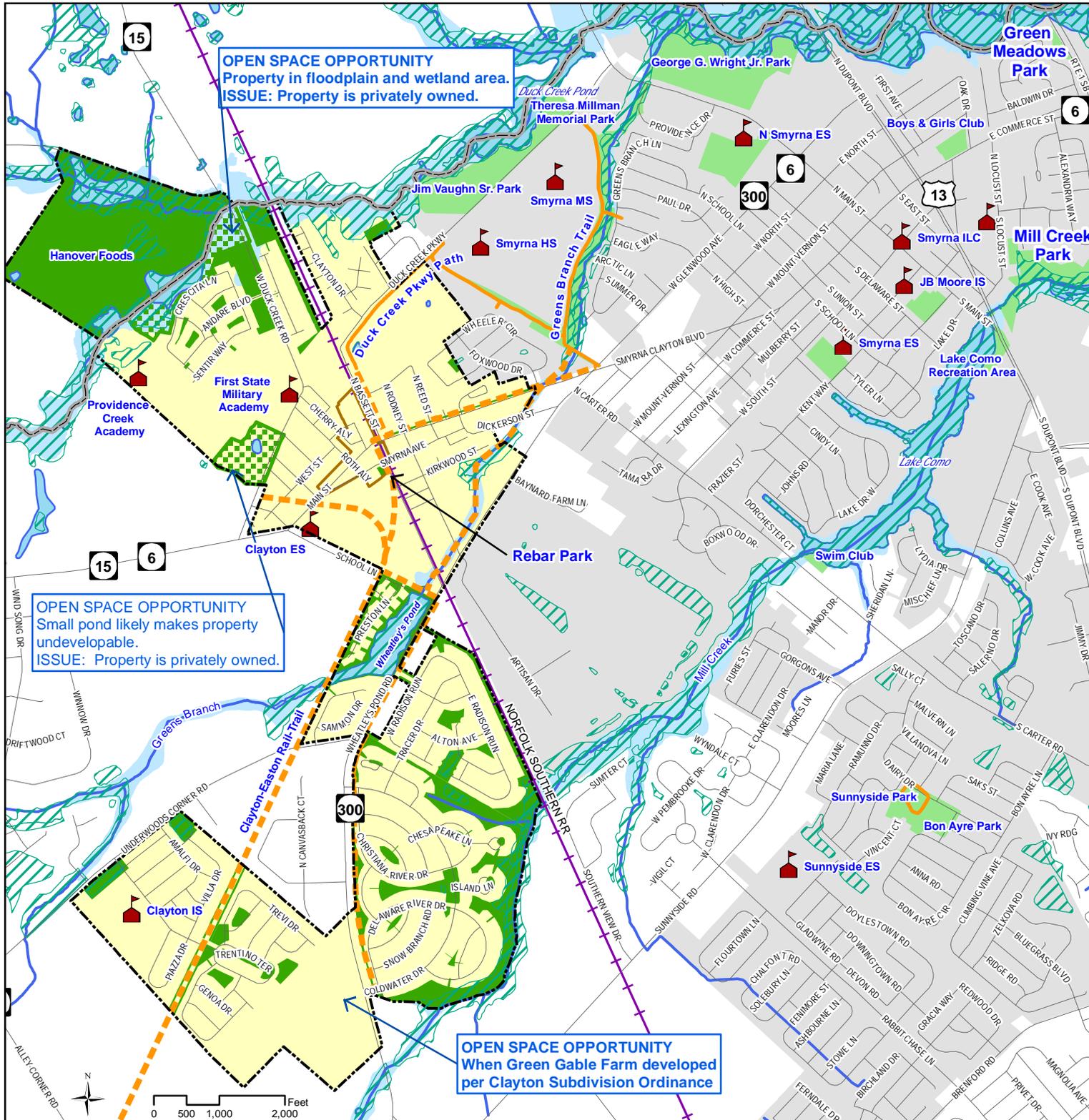
Sources

Municipal Boundaries - Smyrna from FirstMap downloaded 03/05/2018; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014. Park Sites - FirstMap, Clayton & Smyrna Comprehensive Plans. Clayton Open Space - Existing Land Use map. Parcel Boundaries - FirstMap, downloaded 02/28/2018. School Locations, Railroads, Wetlands, Existing Paths & Trails, Water Bodies & Streams - FirstMap. Streets - Kent County from Department of Planning Services; New Castle County from e-Map, 02/28/2018. Flood Hazard Areas - Federal Emergency Management Agency (FEMA). National Flood Hazard Layer, <msc.fema.gov/portal/advanceSearch>, latest study effective 03/15/2015, latest LOMR effective 06/26/2015.

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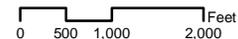
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OPEN SPACE OPPORTUNITY Property in floodplain and wetland area. ISSUE: Property is privately owned.

OPEN SPACE OPPORTUNITY Small pond likely makes property undevelopable. ISSUE: Property is privately owned.

OPEN SPACE OPPORTUNITY When Green Gable Farm developed per Clayton Subdivision Ordinance





Map 7. Clayton Vicinity Utilities

Utilities

- Water Supply Well
- Water Storage Facility
- Water Treatment Facility
- Pump Station
- Lift Station
- Electricity Transmission
- DEMEC Headquarters
- Natural Gas Storage

Base Map Data

- Clayton Boundary
- Smyrna Boundary
- Streets
- Railroads
- Streams
- Water Bodies

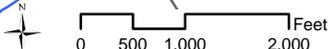
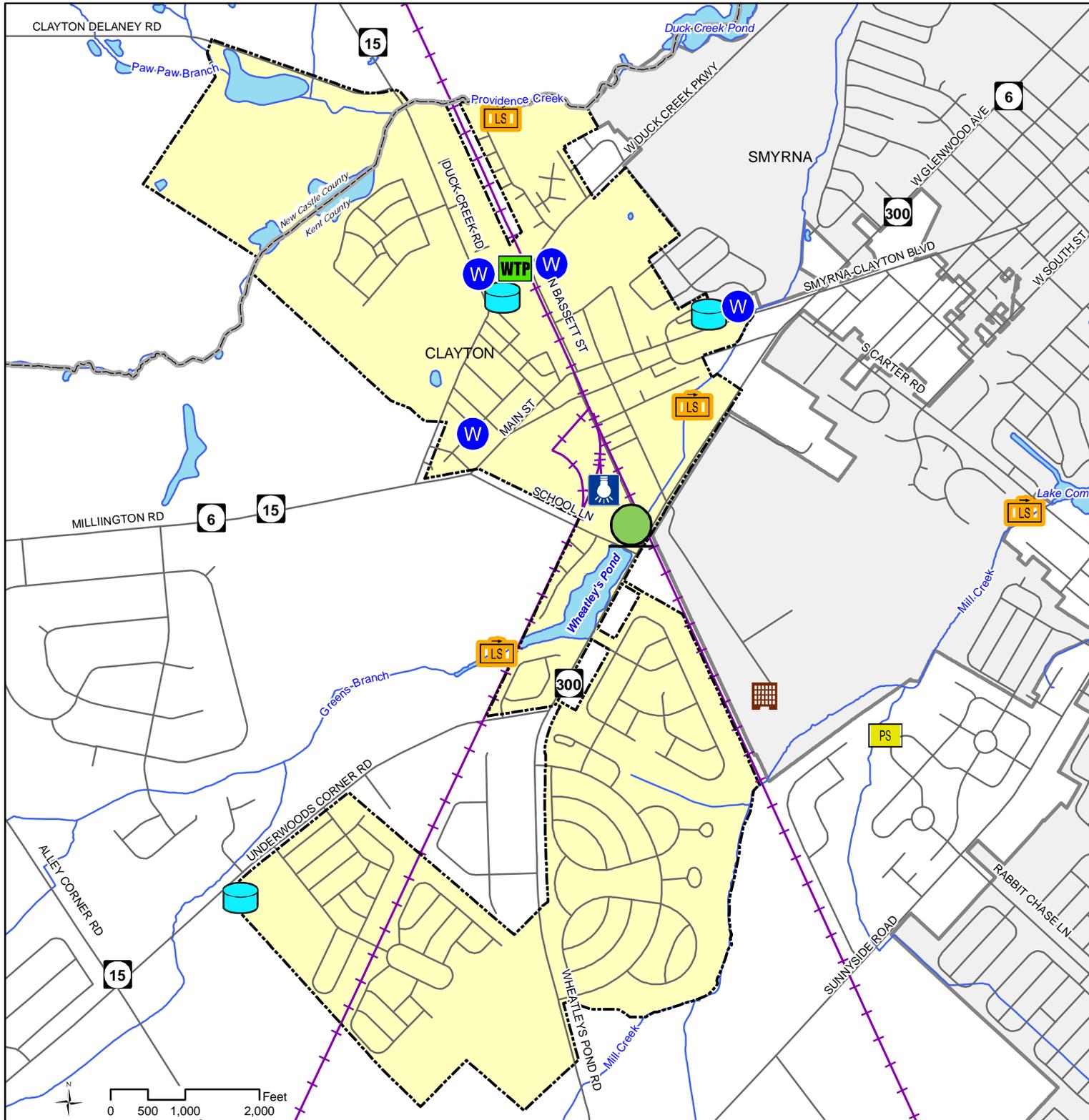
Sources

Municipal Boundaries - Smyrna from FirstMap, downloaded 06/16/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.
Railroads, Water Bodies & Streams - FirstMap.

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2018 Comprehensive Plan Amendment

Map 8. Source-Water-Protection Areas

Source-Water-Protection Areas

- Wellhead Protection
- Excellent-Groundwater-Recharge-Potential

Base Map Data

- Clayton Boundary
- Smyrna Boundary
- Streets
- Railroads
- Water Bodies
- Streams

Sources

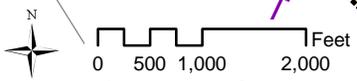
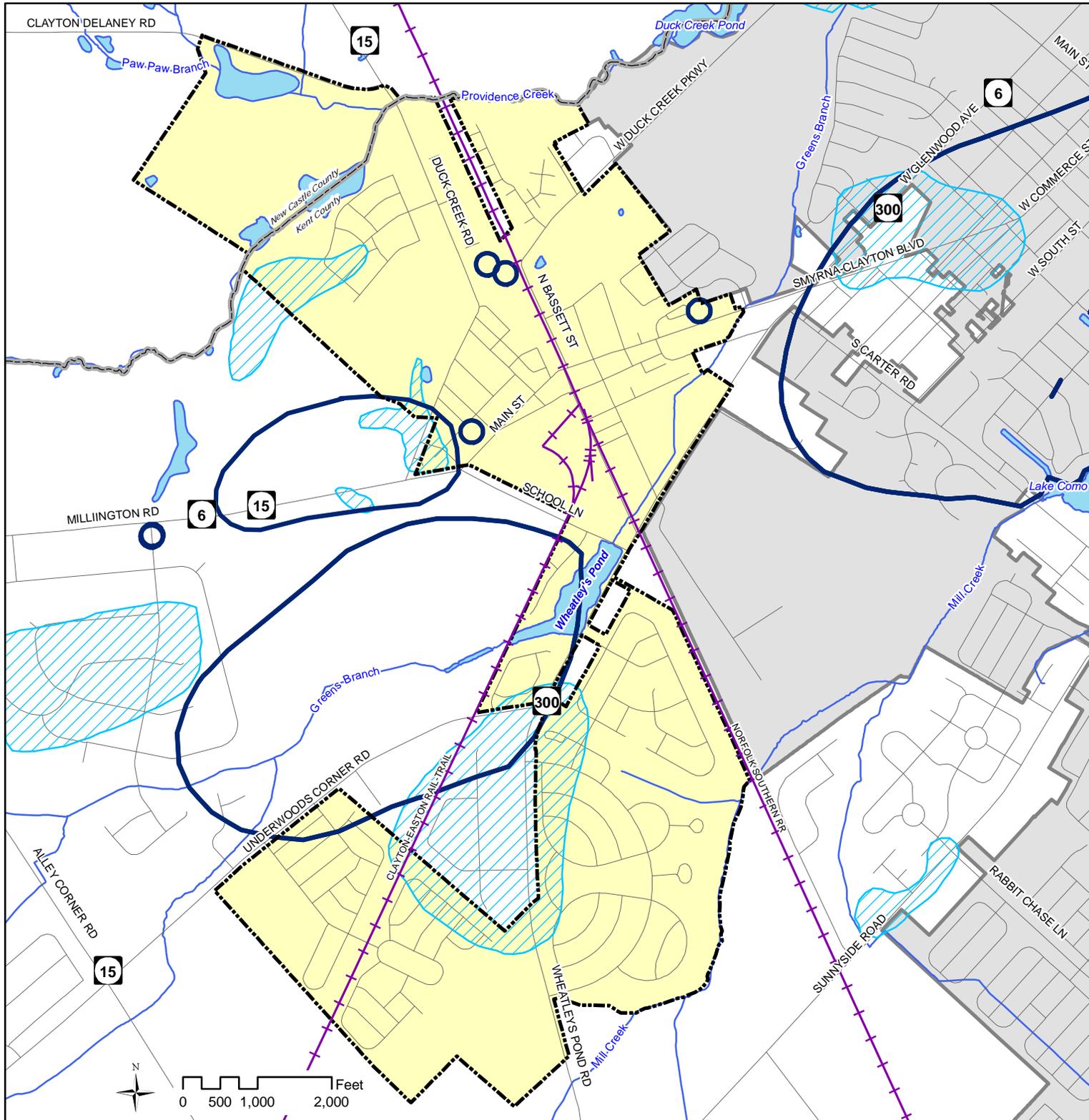
Wellhead & Excellent Recharge Areas - FirstMap, downloaded 03/09/2017.
Municipal Boundaries - Smyrna from FirstMap downloaded 06/16/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.
Railroads, Water Bodies & Streams - FirstMap.

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Map 9. Roads, Routes Railroads & Scenic Byway

Roads Functional Classification

- Freeway/Expressway
- Major Collector
- Principal Arterial
- Minor Collector
- Minor Arterial
- Local

Routes

- U.S. Route
- State Route

Railroads

- Delmarva Secondary
- Clayton-Easton Rail-Trail
- Smyrna Track

Delaware Byway

- Harriet Tubman Underground Railroad Byway

Base Map Data

- Clayton Boundary
- Water Bodies
- Smyrna Boundary
- Streams

Sources

Municipal Boundaries - Smyrna from FirstMap, downloaded 06/16/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.

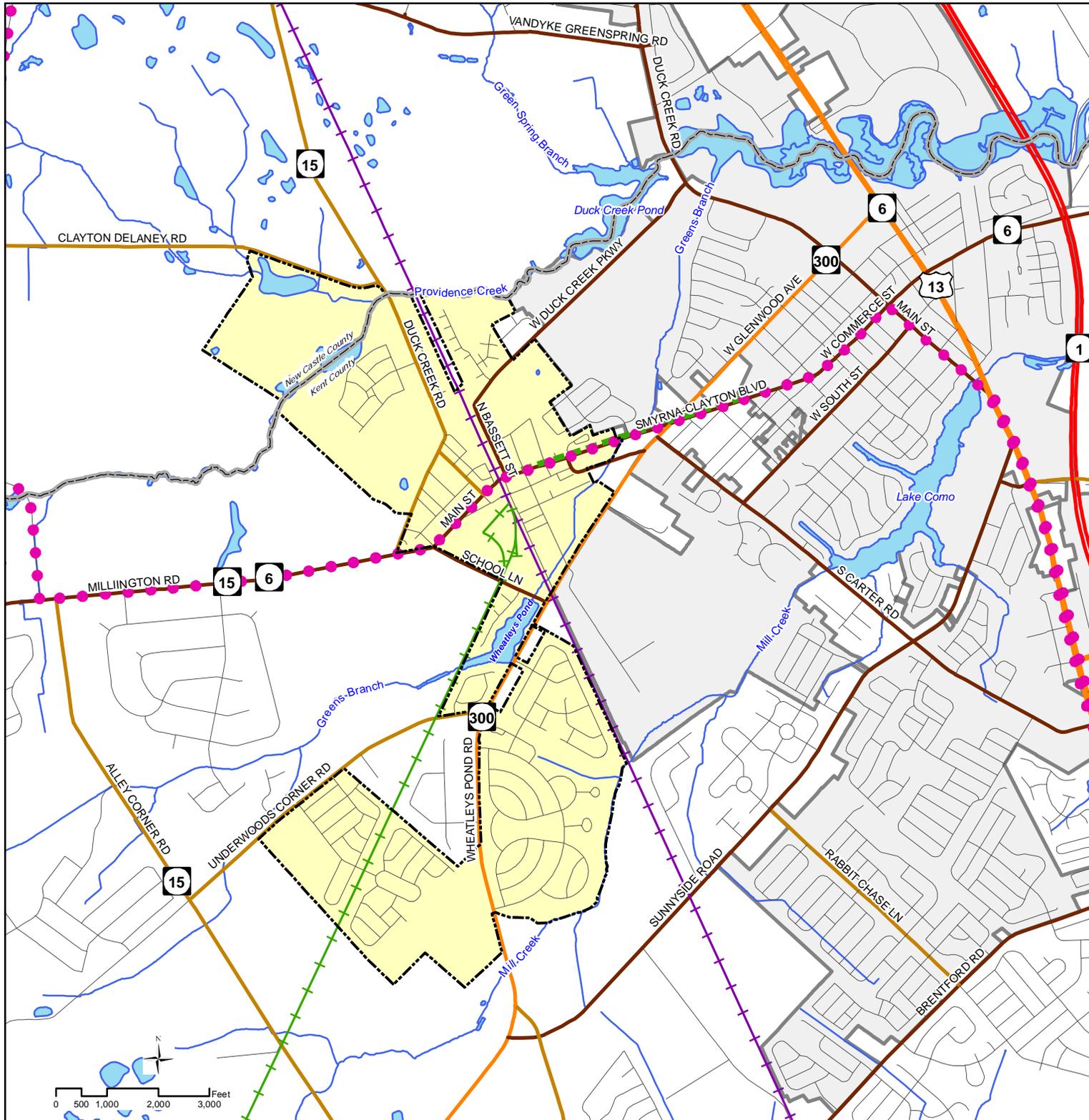
Roads Functional Classification, Railroads, Water Bodies & Streams - FirstMap.

Street Base Map Layer - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.

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Map 10. Clayton Vicinity Trails & Pathways Issues & Opportunities

Clayton Open Space See Map 6.

Existing Proposed for Consideration

Trails & Pathways

Existing Proposed for Consideration

Park & School Sites

School Sites Parks

Natural Areas

Water Bodies 1% Annual Chance Flood Wetlands Streams

Downtown Development District

District Boundary

Base Map Data

Clayton Boundary Smyrna Boundary

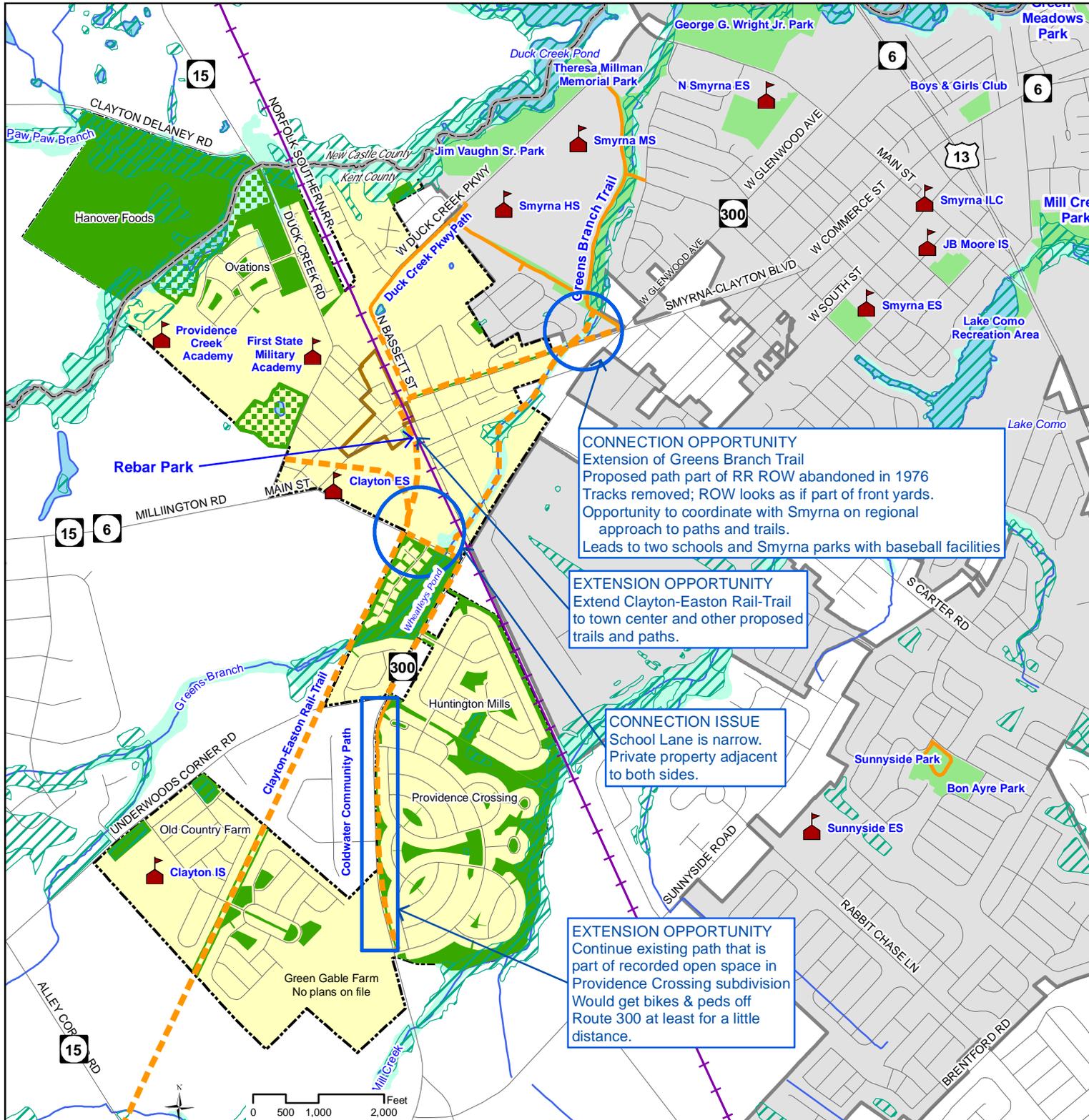
Sources

Municipal Boundaries - Smyrna from FirstMap downloaded 03/05/2018; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014. Park Sites - FirstMap, Clayton & Smyrna Comprehensive Plans. Clayton Open Space - Existing Land Use map. School Locations, Railroads, Wetlands, Existing Paths & Trails, Water Bodies & Streams - FirstMap. Streets - Kent County Department of Planning Services; New Castle County e-Map, 02/28/2018. Flood Hazard Areas - Federal Emergency Management Agency (FEMA), National Flood Hazard Layer, latest study effective 03/07/2017, latest LOMR effective 11/18/2016.

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CONNECTION OPPORTUNITY Extension of Greens Branch Trail Proposed path part of RR ROW abandoned in 1976 Tracks removed; ROW looks as if part of front yards. Opportunity to coordinate with Smyrna on regional approach to paths and trails. Leads to two schools and Smyrna parks with baseball facilities

EXTENSION OPPORTUNITY Extend Clayton-Easton Rail-Trail to town center and other proposed trails and paths.

CONNECTION ISSUE School Lane is narrow. Private property adjacent to both sides.

EXTENSION OPPORTUNITY Continue existing path that is part of recorded open space in Providence Crossing subdivision Would get bikes & peds off Route 300 at least for a little distance.





Town of Clayton

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2018 Comprehensive Plan Update

Map 11. Current Land Use

Land Use

- Open Space
- Residential
- Mixed
- Commercial
- Industrial
- Community Service
- Railroad
- Utilities
- Vacant

Downtown Development District

- District Boundary

Base Map Data

- County Boundary
- Streets
- Clayton Boundary
- Railroads
- Smyrna Boundary
- Streams
- Parcel Boundaries

Sources

Land Use Designations - Land-use survey by IPA; National Agriculture Imagery Program (NAIP) 2017; Kent County PRIDE. **Municipal Boundaries** - Smyrna from FirstMap, downloaded 06/16/2016;

Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.

Parcel Boundaries - FirstMap, downloaded 02/28/2018.

Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.

Railroads, Water Bodies & Streams - FirstMap.

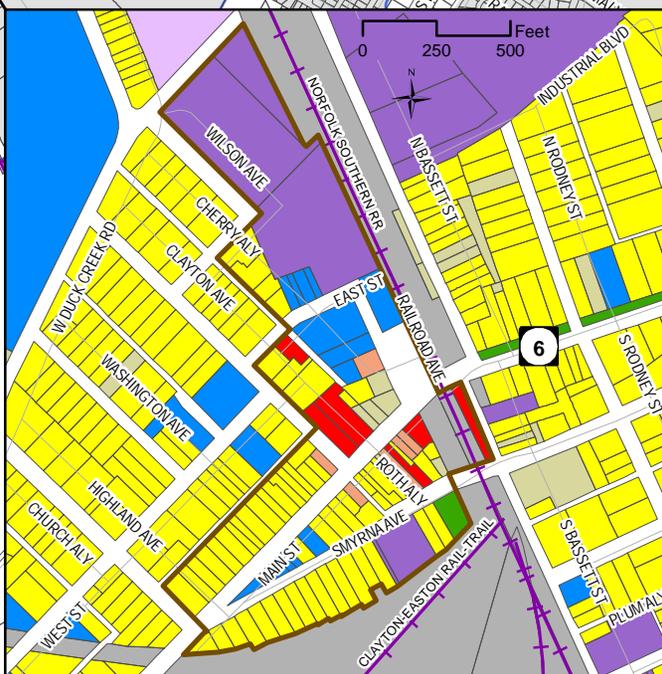
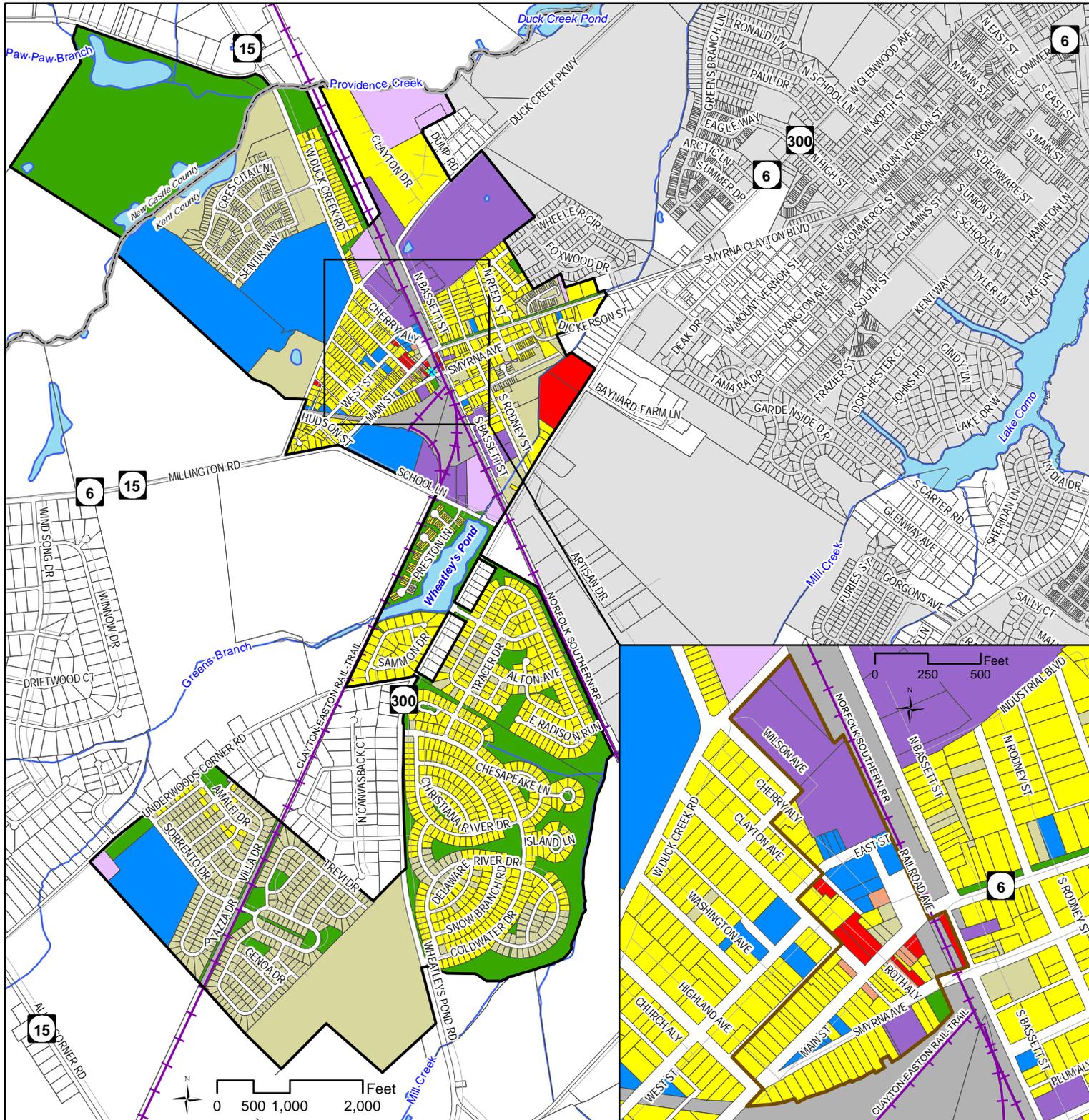
Note

This map is provided by the Institute for Public Administration (IPA) solely for display and reference and is subject to change without notice. IPA makes no claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein for purposes other than for which the data was intended.



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Adopted by the Clayton Town Council 01/14/2019
Certified by the Governor 02/19/2019





Map 12. Future Land Use

Land Use in Town

- Residential
- Open Space
- Town Center
- Commercial
- Industrial
- Railroad

Downtown Development District

- District Boundary

Land Use in Annexation Areas

- Residential
- Commercial
- Railroad

Base Map Data

- County Boundary
- Clayton Boundary
- Smyrna Boundary
- Parcel Boundaries
- Streets
- Railroads
- Water Bodies
- Streams

Sources

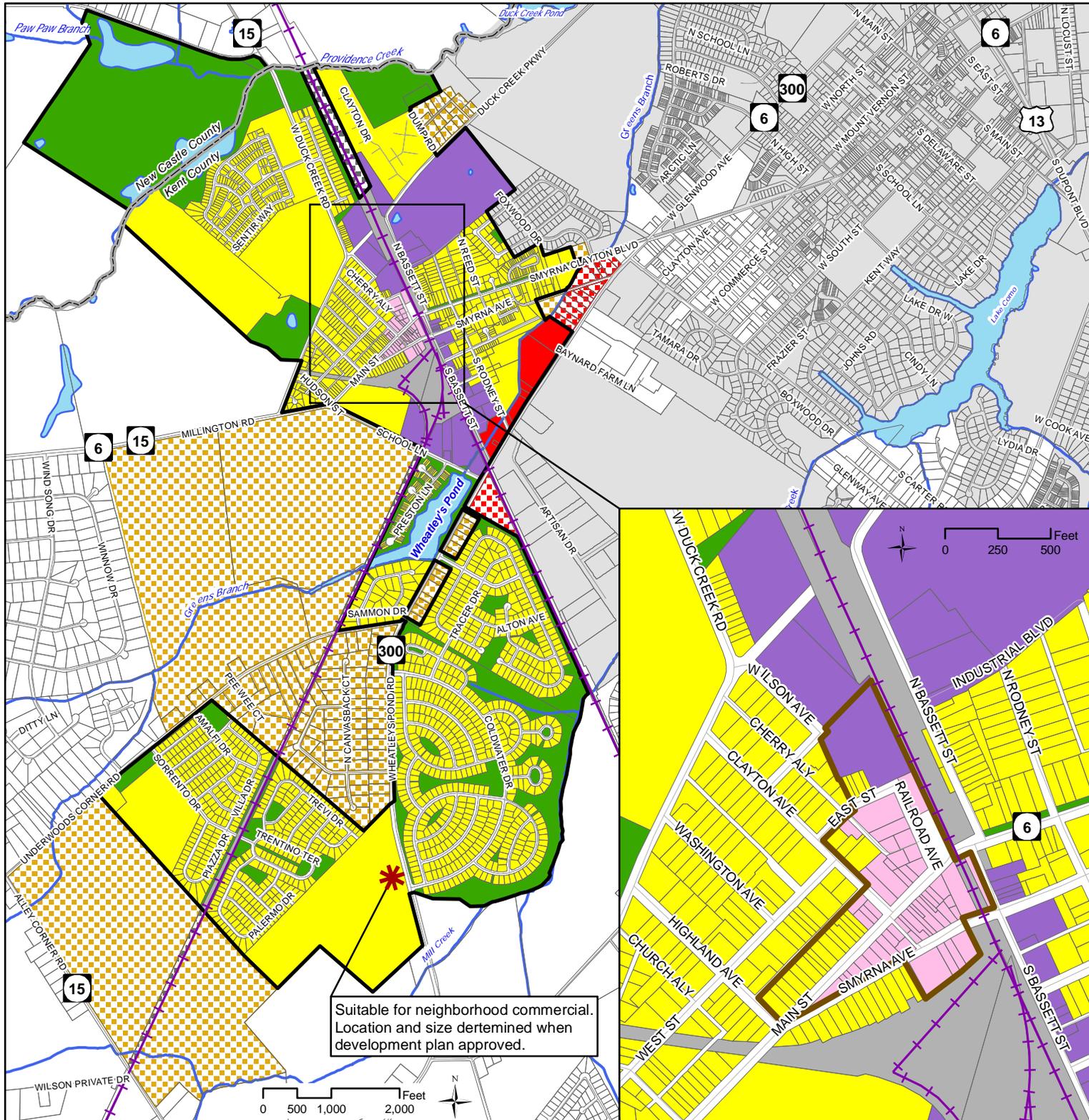
Municipal Boundaries - Smyrna from FirstMap downloaded 03/05/2018; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Parcel Boundaries - FirstMap, downloaded 02/28/2018.
Streets - Kent County from Department of Planning Services, New Castle County from e-Map, 02/28/2018.
Railroads, Water Bodies & Streams - FirstMap.

Note

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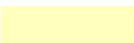


Suitable for neighborhood commercial.
 Location and size determined when
 development plan approved.

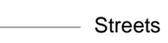


Map 13. Existing Zoning

Zoning Districts

-  OS, Open Space
-  RS, Residential Suburban
-  R, One-Family & Townhouse
-  R1, Multiple-Family
-  RMH, Manufactured Housing
-  TC, Town Center
-  C2, General Commercial
-  I, Industrial
-  RR, Railroad

Base Map Data

-  County Boundary
-  Streets
-  Clayton Boundary
-  Railroads
-  Smyrna Boundary
-  Water Bodies
-  Parcel Boundaries
-  Streams

Sources

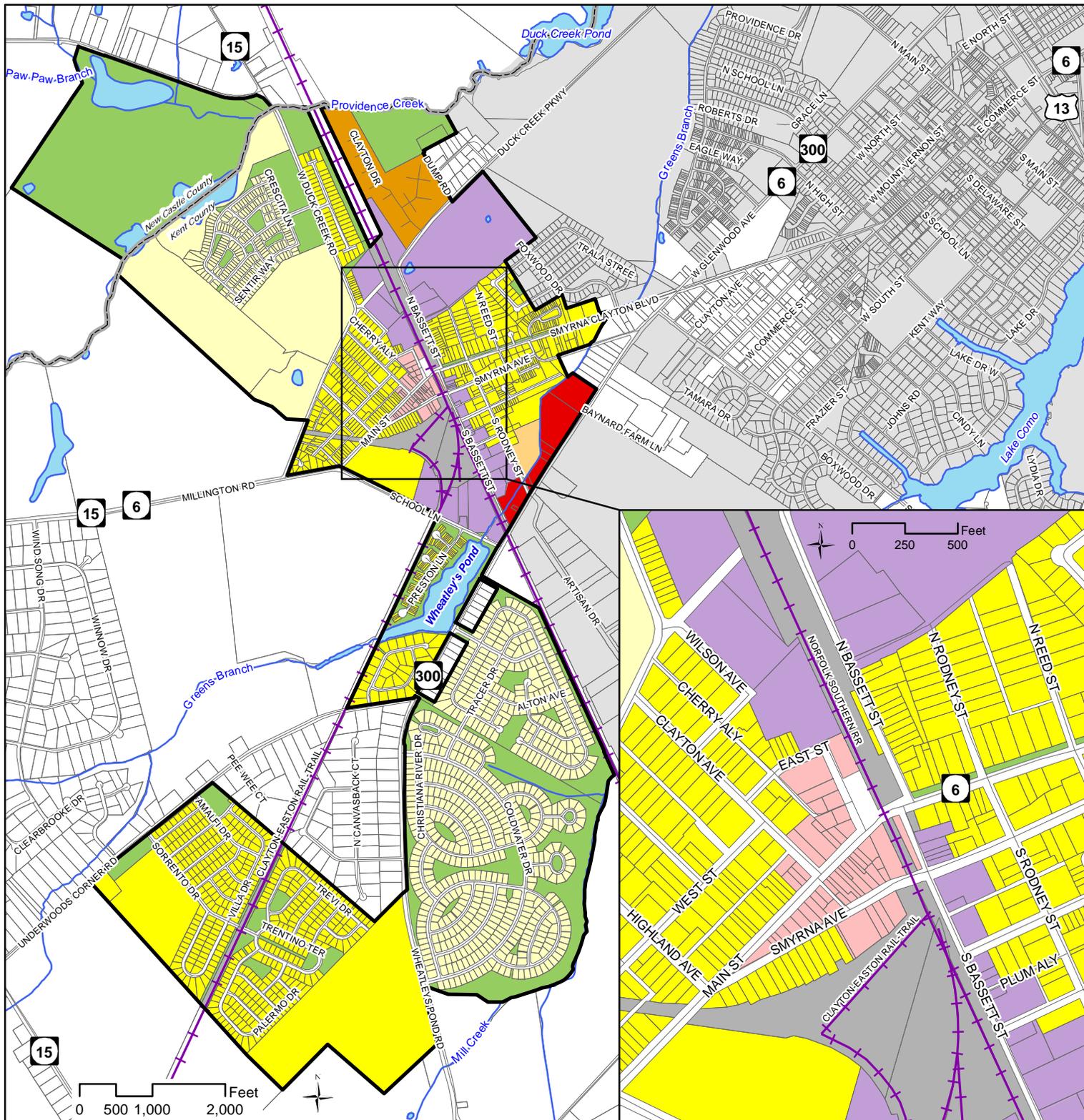
Zoning Districts - Ordinance and map adopted 12/12/2011.
Municipal Boundaries - Smyrna from FirstMap, downloaded 06/16/2016; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.
Parcel Boundaries - FirstMap, downloaded 02/28/2018.
Streets - Kent County Department of Planning Services; New Castle County eMap, 02/28/2018.
Railroads, Water Bodies & Streams - FirstMap.

Note

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Appendix A. Questionnaire Responses



2018 Comprehensive Plan Update

Clayton is in the process of updating its comprehensive plan. A comprehensive plan is a document and a series of maps that:

- Outlines development goals and objectives,
- Maps the desired locations for homes, shops, and offices in town and the areas that Clayton might want to annex into the town, and
- Serves as the basis for zoning and subdivision laws.

Please take a few minutes to share your thoughts about the town. You can leave your comments with us today, drop them off at the town office, or e-mail them to townofclayton@clayton-delaware.com.

What do you like about Clayton?

- Can walk to different areas in town
- Small town living feel and knowing neighbors
- The way it is
- Friendly, town is walkable, coffee shop is excellent.
- Small town family
- Quiet and peaceful
- Low crime-good police presence
- I love that it is quiet, and everyone gets along.

Can you think of any changes that you would like to see in town?

- Corner store with milk, bread, etc.
- More business
- No
- I would love to see more business downtown.
- Need a deli
- Trash cans in the park
- I want a swimming pool with a high dive, rec center with pinball and pool tables.
- Try to lower the utility bills somehow because I don't even live here much and my bill is high.

Should Clayton grow or remain pretty much as it is?

- More shops and stores
- Keep it small.
- Pretty much the same
- Grow
- No, [growth] would ruin it
- Keep it the same.
- I don't know.
- Grow so that we can get towers for more phone service.

Anything else?

- Infrastructure needs to be updated; we just want a place to get milk and bread.
- No
- I don't know
- Where do all these phantom parades come from?

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Appendix B. Downtown Development District Application Summary

In 2014, Clayton applied for designation as a Downtown Development District. The purposes of the Downtown Development District Act are:

- Spur private capital investment in commercial business districts and other neighborhoods;
- Stimulate job growth and improve the commercial vitality of such districts and neighborhoods;
- Help build a stable community of long-term residents by improving housing opportunities; and
- Assist municipalities in strengthening neighborhoods while harnessing the attraction that vibrant downtowns hold for talented people, innovative small businesses and residents from all walks of life. (www.stateplanning.delaware.gov/ddd)

There have been two rounds of district designations. Clayton was not designated as a District in either round.

District Boundary

Clayton's Downtown Development District consists of 24 acres and 96 properties centered on the Town's historical town center and adjacent residential properties. Situated on both sides of Main Street between Bassett Street and Highland Avenue, the District is anchored on the east by Clayton's historic railroad station, and on the west by the Town offices and police station.

The Downtown Development District Map shows the boundaries of Clayton's District and the location of two priority projects identified in the 2014 application.

1. 305 Main Street (former Clements Supply). The initial phase of rehabilitation calls for converting the lower level of the building to a restaurant and small food market and improvements to the exterior of at least the first floor along Main Street. The subsequent phase will focus on conversion of the second level to either apartments or additional commercial and offices.
2. 300 Smyrna Avenue. This project involves rehabilitation of a 1,000-square foot single-family home that has fallen into disrepair.

Redevelopment Strategy

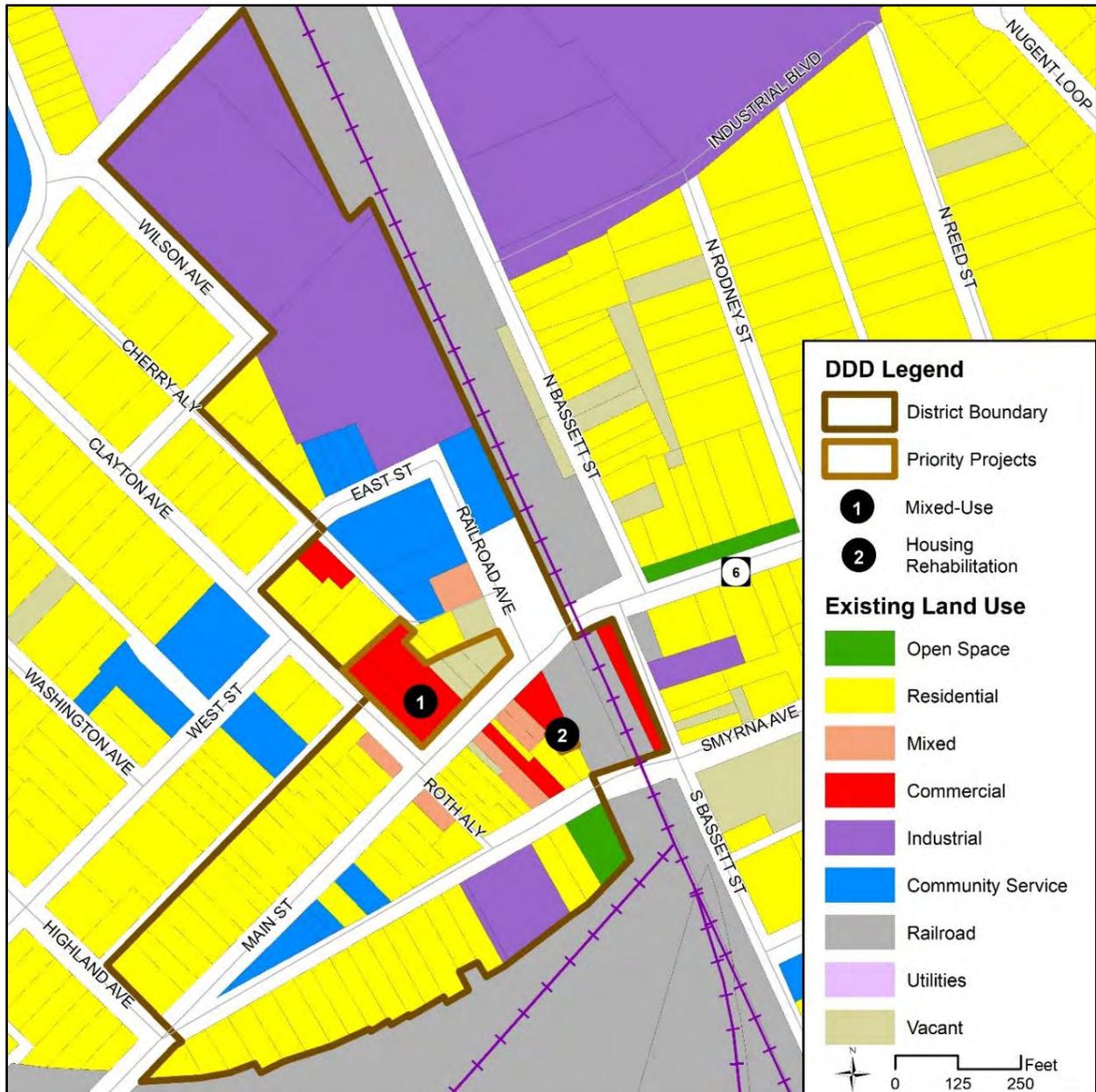
The redevelopment strategy for the Downtown Development District includes the following:

1. Achieve the comprehensive plan's vision of maintaining a small-town center.
2. Promote a mix of uses in the district.
3. Maintain existing housing stock.
4. Encourage property owners to undertake improvements that may have been postponed.

5. Encourage new business to come to Clayton’s town center.
6. Keep existing business in Clayton.

Clayton’s application underscores the Town Center Zone as the most significant existing incentive for redevelopment in the proposed district. The regulations governing this zone provide for a wide variety of uses suitable for the downtown area of a small town. In this zone, property owners are not subject to minimum lot sizes and setbacks, maximum building coverages and are not required to provide off-street parking spaces.

Downtown Development District (DDD) Map



Appendix C. Preliminary Land Use Service Review



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 20, 2018

Jeffery A. Hurlock
Town of Clayton
414 Main Street
P.O. Box 1130
Clayton, DE 19983

RE: PLUS review 2018-07-01; Town of Clayton Comprehensive Plan

Dear Jeffery:

Thank you for meeting with State agency planners on July 25, 2018 to discuss the Town of Clayton's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of Title 22, § 702 and Title 29, § 9103 of the Del. Code.

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

- The plan must contain a clearly articulated position on population growth. The checklist indicates that this is found on page 97 in the section "Position on Growth." However, the text on page 97 is related to the town's position on annexation, not population growth.
- The plan must contain a clearly articulated position on community character. The checklist indicates that this is found on page 97 in the section "Position on Growth." However, the text on page 97 is related to the town's position on annexation, not community character. The checklist also references Appendix A, community survey results. The comments are interesting and should inform the position on community character. The Town of Clayton must articulate that position.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

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- Please provide documentation that the plan has been forwarded to Kent County and the Town of Smyrna for review and comment, and indicate if comments have been received and addressed.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

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

Our office would like to commend the Town of Clayton for completing the update of the comprehensive plan. Clayton has a long history of comprehensive planning. In the late 1990s the town was one of the first jurisdictions to complete a plan under the then new State planning statute for municipalities. The tradition of planning has helped Clayton grow in a responsible manner, accommodating suburban growth while maintaining small town character. This update of the comprehensive plan clearly articulates the town's vision of maintaining this character, and provides the tools and guidance to guide growth for the next ten year period.

Our office has the following recommendations to improve the plan:

- Chapter 15, Implementation Tools, is essentially a summary of ordinances and practices that the town will use to implement the plan. This information certainly demonstrates that the Town has a planning and zoning structure in place to manage growth. However, what is missing is an actual implementation plan or strategy to accomplish the goals of this planning document. Throughout the document there are projects and steps that are identified that must be completed to help Clayton achieve the vision that it sets forth. Examples include the comprehensive rezoning, and considering different funding strategies for open space acquisition and maintenance. It is recommended that the plan be revised to include an implementation strategy identifying key projects or tasks, and a general timeframe for completing them. Such an implementation strategy will assist the town in preparing the required Annual Report, which is due to our office on July 1 of each year.

Department of Transportation – Contact: Troy Brestel 760-2109

- Within the Transportation Section, please mention the Harriet Tubman Underground Railroad Byway passing through town on Main Street and Smyrna-Clayton Blvd. In order to support potential economic benefits of byway travel, consider potential sites for inclusion along the byway in order to promote exploration of Clayton. For example, Byrd's AME Church and St. Joseph's Industrial School, given their place on the National Register of Historic Places may be appropriate locations for historic markers along the byway, which can be coordinated through the Delaware Public Archives marker program. For more information on byways, contact Michael Hahn, Byways Coordinator at DelDOT. His e-mail is michaelC.hahn@state.de.us.

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- Under pathways and trails on page 67, consider mentioning that Kent County has suggested in its draft comprehensive plan, and the Dover-Kent MPO has within its Metropolitan Transportation Plan a trail project to connect Big Oak Park to Downtown Smyrna. The trail along the Smyrna Track (Smyrna-Clayton Blvd) could serve as an extension of such a trail and allow safe movement for bikes and pedestrians between the Town Center, Downtown Smyrna, and Big Oak Park.
- In order to create a unified vision for bicycle and pedestrian transportation in Clayton-Smyrna, DelDOT supports the town's recommendation that Clayton and Smyrna propose a bicycle and pedestrian plan through the Dover-Kent MPO for the Clayton-Smyrna area. DelDOT would ask that you consider including Kent County as a partner in such study in order to plan for an area that reflects the urbanized areas that may be outside the towns, as well as lend emphasis to trails that would benefit the county, namely Clayton-Easton and Smyrna to Big Oak Park.
- The Clayton to Easton Rail Trail is also a project proposed in the Dover-Kent MPO Bicycle Plan. For this project to move forward, negotiations would have to take place with the Maryland Transportation Authority (owner of the right of way) for DNREC to utilize or acquire the rail corridor, negotiations which have been unsuccessful in the past. Consider adding or strengthening recommendations to build support among the towns connected as well as their legislators to encourage reestablished negotiations.
- DelDOT understands that the Town is concerned about the length of time freight trains are stopped on the tracks within Town limits. However, the Town also proposes to rehabilitate and operate the railroad station. What service is proposed for the railroad station? Will it be a visitor attraction, or is the Town considering rail functions at the station?
- On page 78, in terms of passenger rail, consider referencing the more recent "Delmarva Intercity Rail Feasibility Study Final Report" from December 2013 located at https://dartfirststate.com/information/programs/transportation_plans/. This plan did not propose a stop for passengers in Clayton. The plan indicates greater feasibility due to the growth of tourism in Sussex County and Worcester County, MD.
- On page 78, in reference to Delmarva Central and trains stopped in Clayton, DelDOT encourages working with the railroad, Dover-Kent MPO and DelDOT on an operations plan to suggest improvements along the corridor that would address the town's concerns. In this regard, please contact Nathan Attard, DelDOT's Dover-Kent MPO liaison. His e-mail is nathan.attard@state.de.us.
- In regards to sidewalks, DelDOT commends the town for actively working to improve pedestrian facilities. It is possible to utilize Municipal Street Aid funds for repair and construction of municipal streets and sidewalks. To determine a facility's eligibility for municipal street aid use, please contact Jason Vogl; his e-mail is jason.vogl@state.de.us. For pedestrian projects along DelDOT-owned streets, please contact Maria Andaya, DelDOT's Pedestrian Coordinator. Her e-mail is maria.andaya@state.de.us.

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The Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 739-9071

Source Water Protection.

- DNREC applauds the Town’s adoption of a Source Water Protection Ordinance. The text of the comprehensive plan properly cites the required source water elements however, the Plan lacks a discussion on the protective measures afforded by the ordinance.

DNREC recommends including a discussion of the Town’s source water ordinance including the goals, objectives, and measures afforded by the ordinance to the protection of the resource.

Water System.

- In this section, DNREC sees a discussion of the Town’s current source of water supply, and the protections in place to protect that water supply. However DNREC also expects to see what the Town’s plans are for future water supply. Does the Town have the capacity/allocation, in terms of water supply, to accommodate anticipated future growth and development?

Wastewater System.

- In this section, DNREC sees a discussion of the Town’s current source of wastewater treatment and what the Town’s plans are for future wastewater treatment infrastructure. Does the Town of Clayton collection and conveyance system have the capacity to accommodate anticipated future growth and development? Does the Kent County wastewater treatment system have the capacity? These are good issues to explore as part of the intergovernmental coordination that is required when developing your comprehensive plan and statements should be made within the plan to indicate their consideration.

Climate Change & Sea Level Rise.

- The subject of climate change was not specifically addressed in the plan, however the Department believes that recognizing the significant impacts that climate change will have on Delaware’s economy, resources, and citizens and incorporating those within the Comprehensive Development Plan is important. When discussing climate change impacts to Delaware, the Department is concerned with sea level rise, increased heavy precipitation events, and more extreme high temperatures. While the Town of Clayton would not likely be impacted directly by sea level rise, stormwater management, which has been identified as an issue in the Draft Plan, will be a greater challenge in the future.

DNREC has guidance for utilizing green infrastructure, or nature-based strategies, to address this in an environmentally friendly manner (www.de.gov/greeninfrastructure). Additionally, increased concerns for health & safety of the population are associated with increased temperatures, which could also be discussed in the Draft Plan along with

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establishing a designated cooling center among the listed Community Facilities and Assets.

There is an incredible volume of information available about climate change impacts. The following is a short list of the most relevant and useful information for your comprehensive development plan efforts:

1. The Creating a Flood Ready Community training site provides links to a wide variety of resources that can be used to plan for increased heavy precipitation and sea level rise:
<http://dnrec.delaware.gov/coastal/DNERR/Pages/CTP%20Pages/FloodReadyCommunityResources.aspx>
 2. Climate change impacts to human health are reviewed in the fall issue of the Delaware Journal of Public Health: https://issuu.com/dam-dpha/docs/djph_october2017
- In addition, the Town may wish to consider opportunities for grant funding and technical assistance. DNREC offers grant funding for sustainability and climate change planning through the Sustainable Communities Planning Grant Program and the Resilient Community Partnership (RCP). These programs can provide resources for local governments to develop a long term plan for climate change and/or sustainability.
 - <https://dnrec.alpha.delaware.gov/energy-climate/sustainable-communities/sustainable-planning/>
 - <https://dnrec.alpha.delaware.gov/coastal-programs/planning-training/resilient-communities/>
 - DNREC administers a free Weatherization Assistance Program to help establish comfortable, energy-saving homes. The program, run through the Division of Climate, Coastal, & Energy, helps homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. The need for weatherization was mentioned in the draft plan and DNREC encourages the town to help inform residents of this program. More information about the program can be found here: www.de.gov/wap.
 - DNREC staff is always available to assist and would be happy to meet with Town staff and its consultants to discuss climate change vulnerabilities, energy efficiency, and greenhouse gas reduction strategies.

Sediment and Stormwater Management.

- The Delaware Sediment and Stormwater Regulations have a goal of reducing stormwater runoff for the rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours, or a maximum of one inch of runoff. Runoff reduction practices encourage

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runoff to infiltrate back into the soil as in an open space condition and results in pollutant removal and stream protection. Best management practices that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the town. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

- MS4: Under the 2010 Census, the Town of Clayton was identified as a Phase II MS4. The Department is currently developing a Phase II General Permit and Waiver Criteria. The General Permit and Waiver have not been authorized by the Department, at this time. The town of Clayton is eligible for a waiver but cannot be granted one until the Permit is authorized. The Town must, therefore, amend the language which states they have been granted a waiver by DNREC.

If the waiver and permit are granted prior to this draft Plan being adopted by the Town and certified by the Governor, the Town may revert back to the draft language, indicating that the waiver and permit have been received.

Air Quality.

- DNREC would like to see air quality included in the “Natural Features” portion of the Town of Clayton’s Comprehensive Plan (Page 27). DNREC recommends the following considerations for the Town of Clayton in mitigating potential air pollution issues:
 - Encourage mixed-use or cluster-style development where applicable in order to preserve open space and reduce sprawl,
 - Allow opportunities for the increased use of public transit,
 - Expansion of the current bicycle and pedestrian network,
 - Increase the number of people using alternative transportation modes,
 - Develop ordinances that would involve the planting of trees during development projects and efforts to continue the preservation of trees in the Town which help to clear the air of pollutants.
- According to the Delaware Forest Service, in 2014, the urban tree canopy percentage for the Town of Clayton was roughly 1200.4 acres or 18.1%. The planting of native tree species has the ability to reduce air pollution in the city by clearing the air of harmful particulate matter (PM) emissions (a product of vehicle emissions) and also taking in carbon dioxide and converting it into oxygen. The ideal tree species to use are those with large leaf surface areas, high transpiration rates and have hairy or sticky leaves which are amenable to particle collection.
- DNREC has noted that the Town of Clayton has a goal of expanding their pedestrian network. DNREC supports the town’s efforts to provide safe alternative transportation modes for pedestrians and would like that to also include bicycle infrastructure. With

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supporting traffic management strategies, the Town should aim to minimize vehicular traffic and let people use alternate means of moving about the town such as walking, biking, and shuttle services (Page 39 and 79). The DelDOT Transportation Alternatives Program (TAP) may be a tool to help achieve this goal.

- It was noted in the plan that “there is neither public nor private local bus service in the Clayton area” and that DART’s closest bus stop is “in Smyrna at the intersection of Route 13 and Mount Vernon Avenue” (Page 77). It is recommended that expanded transit service be considered for the Clayton area. The plan also mentioned the “Senior Citizens Affordable Taxi (SCAT)” Program (Page 77). DNREC supports efforts of the Town to provide carpooling and taxi services that lessen the use of single-occupancy vehicle (SOV) travel.
- DNREC also supports the Town’s initiatives to update and modernize its ordinances. The Town is encouraged to implement idle free zones where heavy duty vehicles are known to idle such as Providence Creek Academy and Clayton Elementary school. The Town of Clayton is encouraged to work collaboratively with Clayton Schools to implement a strategic no idling policy.
- As an added component to address air quality concerns in the area, the Town of Clayton is encouraged to include electric vehicle supply equipment (EVSE) and charging where feasible in common areas to accommodate cleaner vehicular transportation through the area. This includes busy and frequented town centers such as local grocery stores, commercial retail sites, etc. DNREC’s clean transportation website has more information about the various electric charging options and where they are best deployed. DNREC also offers rebates to lower the cost of electric vehicle charging stations for businesses and workplaces. For additional information on how the Town can become involved with this growing and successful program, please visit the following link:
www.de.gov/cleantransportation.

Solid and Hazardous Waste.

- It was unclear whether the Town of Clayton contracts with the same company for trash and recycling services, however, the Universal Recycling Law requires a waste hauler to provide the same access to recycling as they do for trash disposal. You can access the Universal Recycling Law here:
<http://www.delcode.delaware.gov/sessionlaws/ga145/chp275.shtml> (see §6053 in particular).
- DNREC recommends encouraging the use of recycled construction materials and to recycle any waste generated during construction or demolition activities.
- There are 4 Site Investigation and Restoration Section sites located within Clayton, identified as:
 - 1st State Military Academy (DE-1565): A Certificate of completion of remedy issued September 2015

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- Clayton Landfill (DE-0069): A Facility Evaluation was conducted in 1994. Results indicated potential of contamination to the tributary of Providence Creek, so additional investigation was recommended. A biological assessment was conducted in 1995 and determined no impacts from the landfill to a tributary of Providence Creek. A human health risk assessment was also performed and did not exceed acceptable risk levels for residential use. No further action required
 - Delacote/Eastwind (DE-0290): Beginning in 1962, the facility was used for the manufacture of luggage, rain gear, and wire shelving. Designated "No further action planned" based on 2003 Site Assessment performed by DNREC and reviewed by the US EPA.
 - Biodiesel Plant (DE-1390)
- There have been 3 sites with Leaking Underground Storage Tanks:
 - 1st State Military Academy (Facility ID #1-000586) – A “No further action required-conditional” letter was issued on March 30, 2015. The letter, which contains conditions when disturbing the soil, can be found on DEN thru this link: <https://apps.dnrec.state.de.us/dochandler/handler.ashx?docid=6744d73fd212a86f0j8ysbsxs0010000>
 - Hanover Food Corporation (Facility ID # 1-000080) – A “No further action required-conditional” letter was issued on January 30, 2012. The letter, which contains conditions when disturbing the soil, can be found on DEN thru this link: <https://apps.dnrec.state.de.us/dochandler/handler.ashx?docid=6744d73fd212a86f0ijcu7nb30000000>
 - Clements Supply Company (Facility ID # 1-000055 & 1-000166)-
 - ID #1-000055: Refers to Clement Supply Company, located on Main Street in Clayton, (currently Atlantic Tractor). Three tanks at this location were closed in place in 1980. No NFA letter was issued, so be aware of their presence on site.
 - ID #1-000166: Refers to Clement Supply Company, located on Bassett Street in Clayton. Five tanks at this location were closed in place in 1997. No NFA letter was issued, so be aware of their presence on site. Three tanks were removed in 1985 and 1992.
 - Brownfields are real property the redevelopment, reuse, or expansion of which may be hindered as a result of a reasonably-held belief that they may be environmentally contaminated (7 Del.C., §9103(3)). Productive use of these idle properties provides "new" areas for economic development, primarily in former industrial/urban areas with existing utilities, roads and other infrastructure. DNREC encourages the development of Brownfields offering assistance and possible grant funding for investigating and remediating Brownfield sites.

The Delaware Brownfields Marketplace is an interactive database that contains a list of market-ready Brownfield sites throughout Delaware. The inventory is designed to make it easier for potential buyers and developers to locate available Brownfield properties. Cleaning up and reinvesting in these properties protects the environment, reduces blight,

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and helps to create jobs for Delaware citizens, while preserving Delaware's precious green space and natural resources.

To add sites in your municipality to the Marketplace (with owner approval) please contact Melissa Leckie at DNREC's Site Investigation and Restoration Section at (302) 395-2600 or by email at Melissa.Leckie@state.de.us.

For information on the Brownfields Program or to determine if any sites in your municipality are Brownfields, please contact Jill Williams-Hall at DNREC's Site Investigation and Restoration Section at (302) 395-2600 or by email at Jill.Hall@state.de.us.

For more information on Delaware's Brownfield Program online, please visit: <http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx>.

Fish and Wildlife.

- DNREC encourages the protection of wetlands as important habitat. The Town of Clayton currently follows state and federal wetland permitting guidelines, which are minimally protective. DNREC recommends updating ordinances to increase those protections.
- There are no major Fish and Wildlife concerns in the proposed annexation areas, however, DNREC would advise the Town to leave the existing forested buffer in place on tax parcel 3-00-02700-01-2400-00001 because it provides a protective buffer to Mill Creek.

Parks, Open Space, and Recreation.

- For the Town's use and reference in developing future recreational open space, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends about outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) which provides guidance for investments in needed outdoor recreation facilities and needs within county and municipal comprehensive plans. In Region 3 (Kent County), 63% said outdoor recreation was very important to them personally. The Town is encouraged to use the results of the SCORP to identify recreational goals and strategies in its comprehensive plan.

Based on the public opinion survey, the most needed outdoor recreation facilities in include:

High facility needs:

- Walking and Jogging Paths
- Public Swimming Pools

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- Bicycle Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off-Leash Dog Areas

Moderate facility needs:

- Hiking Trails
- Camping Areas
- Ball Fields
- Basketball Courts
- Football Fields
- Public Golf Courses
- Soccer fields
- Boat Access
- Canoe/Kayak Launches
- Tennis Courts

Additional information can be found here:

<http://www.dnrec.delaware.gov/parks/Information/Pages/2013Scorp.aspx>.

TMDLs and water quality.

- Geology and Soils, Page 27: The majority of the soils in the Town of Clayton are not mapped as Sassafras as stated in the Comprehensive Plan Update. DNREC suggests that the Town of Clayton correct this by referencing information about soils in the NRCS soil survey update rather than the outdated 1971 *USDA Soil Survey of Kent County and New Castle County* in their Comprehensive Plan. The updated soil survey information can also be retrieved from the web soil survey at the following web link:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

For the applicant's convenience, the NRCS soil survey mapping update map of soils in the immediate vicinity of the Town of Clayton (and Smyrna) is provided below, in Figure 1.

- Since a pollution control strategy has not been developed for the Smyrna River watershed to date – the watershed in which the Town of Clayton is located – DNREC recommends the following as “actionable strategies,” or recommendations for ordinance development:
 - Require all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.

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- Implement regulations to protect freshwater wetlands including isolated and headwater wetlands. Regulatory gaps exist between state and federal programs, however, these resources provide water quality and habitat benefits that should be protected. While state mapping gives us an idea of the presence of these wetland features, they may be identified only through field delineation.
- Require a 100-foot upland buffer width from all wetlands or waterbodies (including ditches).
- Call for an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post-development surface imperviousness of 50% or more, DNREC suggests half of total area(s) of imperviousness in paved areas contain pervious pavers, including the entire parking lot area(s).
- Require the calculation for surface imperviousness (for both commercial and residential development) include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
- Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
- Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
- Require that the applicant use “green-technology” storm water management in lieu of “open-water” storm water management ponds, whenever practicable. If open-water stormwater management is selected or deemed more practicable for use, it should be minimally employed to manage anticipated stormwater - not for the creation of additional pond acreage to enhance property/aesthetic values
- Require the assessment of a project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved best management practices to meet the required TMDLs for the affected watershed(s) in question.

Additional Text edits.

- Correct the duplicate paragraph on pages 29-30 (above and below Table 5)

- Both the Smyrna Municipal Park and George C. Wright Jr. Park are identified on page 66. These refer to the same park and should be referenced consistently.

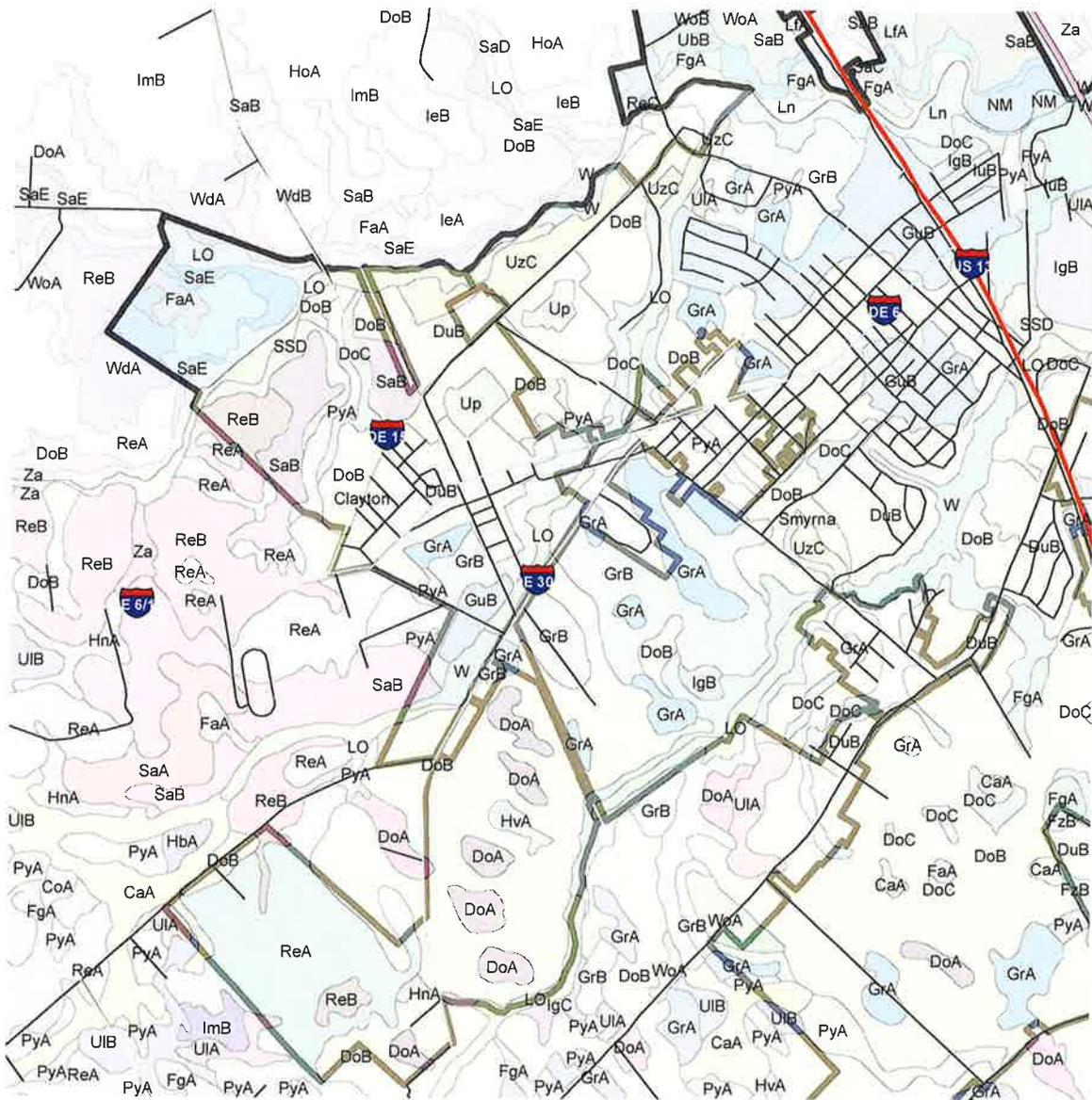


Figure 1: NRCS soil survey mapping update in the vicinity of Clayton

State Historic Preservation Office – Contact: Carlton Hall 302-736-7404

- The Town of Clayton is receptive to historic preservation and agricultural preservation based on information in their plan.
- The Delaware SHPO suggests that Clayton consider ways to protect their historic properties from inappropriate development after annexation and would be happy to work

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with them on such issues. Our office recommends the Town look into conducting a comprehensive architectural survey, with the possibility of listing a Historic District in the National Register of Historic Places.

Department of Agriculture – Contact: Scott Blaier 698-4532

The Department of Agriculture would like to commend the Town on a thorough well-written comprehensive plan. The Department of Agriculture offers the comments and suggestions below for your consideration.

- Page 12: The Department suggests the following language (or similar language) for clarity.

Agricultural Preservation District – In order to At the end of ten years, the property owner ~~continue the preservation easement~~ – Suggest: “continue to participate in the district program for 5 year increments”

- Agricultural Easement – Properties do not have to be (wait) in a Preservation district for (10) years before they can sell their development rights to become a permanent easement. They can sell their development rights as soon as their first year in the district/expansion program.
- Suggest: While enrolled in the Agricultural Preservation District program, a landowner may sell the right to develop their farm to the state of Delaware. Once the land’s development rights have been sold, a farmland preservation easement becomes a permanent part of the property deed of record, thus preserving the property as farmland forever.
- Page 27: Agri-Business – The Department appreciates the mention of agri-business in the town’s plan, and encourages the town to pursue and support efforts to expand agri-business opportunities in the future.
- Map 2 – This map appears to be up to date. However, please note, properties enroll and withdraw from the program regularly, and this map should be reviewed periodically for changes. Please contact Jimmy Kroon, the Department’s GIS coordinator (698-4533), for the latest information.

Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.
- Our office will require a maximum of 20 working days to complete this review.

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- If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
- If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
- At his discretion, the Governor will issue a certification letter to your Town.
- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

Thank you for the opportunity to review this Comprehensive Plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,



FCH

Constance C. Holland, AICP
Director, Office of State Planning Coordination