

- (2) A greater variety of residential building types;
- (3) Procedures assuring adequate maintenance and restricted use of open space areas; and
- (4) Procedures to protect existing and potential developments adjoining the cluster development.

During the 16 years in which cluster development has been authorized this procedure has evolved from early experimental designs to a commonly used subdivision method. County records indicate that for 1985 60 percent of all lots on preliminary plats (1,361 lots) in R-R, R-80, and R-55 zones were for cluster developments.

The increased use of cluster development has not come without controversy. The views expressed in correspondence with my office on both sides of this issue are intensely held. Some County residents feel that the use of cluster development represents a significant change in the character of the land use and should be treated as a zoning change. They also express specific concerns regarding the use of cluster development on issues of compatibility with existing communities, the use of private roads in subdivisions, authorization of townhouses in certain zones, and homeowners association fees for maintenance of common elements. Others feel that this bill would have an adverse effect on the land use policies of Prince George's County because it could effectively eliminate a potentially desirable option for residential development. The delay, uncertainty, and heavy burden of proof associated with the procedures required under the bill could be significant and a likely disincentive to utilization of that land use approach.

Land use decisionmaking in Maryland has traditionally been made at the local level. Indeed, the Maryland-Washington Regional District Act, as set forth in Md. Ann. Code, Art. 28 § 7-108.1(b) (1985 Cum. Supp.), articulates a long-standing legislative policy that planning and zoning controls should be implemented by local government. This policy is reinforced by Prince George's County's charter home rule status. Certainly, there are exceptions to this general rule such as where there is a compelling need to alter land use procedures on a multi-jurisdictional basis to effectuate State policy. I believe that the circumstances surrounding this bill, particularly given the assurances of the County Executive and County Council President for quick and responsive action, do not currently warrant intrusion by State government. The competing concerns over cluster development, outlined above, should be addressed, in the first instance, at the local level.

Therefore, for the above reasons, I have decided to veto House Bill 1183.

Sincerely,
Harry Hughes