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LOUDOUN BOARD OF SUPERVISORS
Developer Sues Over Rejection of Housing Proposal

By *Amy Gardner*
Washington Post Staff Writer
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The national home building giant Toll Brothers has sued the Loudoun County Board of Supervisors for rejecting a proposal to allow high-density planned communities in a largely undeveloped area west of Dulles International Airport.

Toll Brothers is one of at least four developers hoping to build planned communities in Dulles South, a 9,200-acre swath of farmland and two-lane roads in the southeastern corner of the county.

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The company's proposal, dubbed Westport, calls for more than 1,800 houses, townhouses and condominiums on a 734-acre tract in Dulles South. But its passage is unlikely now because the Board of Supervisors voted last month against a sweeping blueprint opening the entire area to that kind of dense development.

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In its lawsuit, filed in Loudoun Circuit Court last week, Toll Brothers argues that the county failed to provide proper notice for public hearings by the Planning Commission and the Board of Supervisors before it rejected the Dulles South blueprint.

According to the suit, the county's decision to combine the Westport application with five others created an "unmanageable" process in which supervisors failed to give proper consideration to Toll Brothers' application, which called for the provision of a recreation center, several road improvements and a variety of housing, including affordable units.

And the suit alleges that the county failed to conduct adequate fiscal impact and traffic studies, which were necessary to properly assess the proposal.

"The process undertaken by the board has denied the citizens of Loudoun County the opportunity to plan for the development of the area around Westport and to assure that growth will provide sufficient roadways, utilities and other public improvements," said the suit, which was prepared by land-use lawyer John H. Foote of Prince William County.

Foote did not return a phone call seeking comment about the suit. Loudoun County Attorney John R. Roberts confirmed he had seen the complaint, but he declined to comment on it.

It is the first suit to be filed as a result of the county's decision last month to reject plans to open Dulles South to planned communities. The 6 to 3 vote ended proposals for thousands of new homes in several large planned communities along Route 50 in southeastern Loudoun. The outcome delighted opponents, who had said the new

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residences -- ultimately as many as 33,800, according to county estimates -- would have overwhelmed an inadequate road network and sent county property taxes soaring to support new demand for such services as education and public safety. Regulations allow 4,600 residences to be built in Dulles South.

Opponents also had said the planned communities would ruin a part of the county known as the transition area, where small subdivisions with houses on one or more acres sit alongside farm fields and where zoning rules protect the area as a visual buffer between Loudoun's dense suburban east and its rural west.

But developers and other supporters of the Dulles South blueprint said the government had squandered an opportunity to exact hundreds of millions of dollars in infrastructure investment from the private sector, including roads, schools and parks, in exchange for the right to build more homes.

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