

COLAB

SAN LUIS OBISPO COUNTY

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THE COALITION OF LABOR,
AGRICULTURE, AND BUSINESS

COLAB

San Luis Obispo County

5th Annual

DINNER & FUNDRAISER

2014

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Keynote Speaker

**Dr. Sam
Blakeslee**

The Honorable Dr. Sam Blakeslee founded the Institute for Advanced Technology and Public Policy at Cal Poly in 2012. With a portfolio of experience as a scientist, business owner and legislator, his goal is to bring these diverse worlds together with cross-disciplinary thinkers at Cal Poly to solve some of the most complex public policy challenges facing society today. Blakeslee was elected to the California State Assembly in 2005 and later to the State Senate. Elected by his fellow legislators, Blakeslee served as Assembly Minority Leader. In this role, he was a member of the "Big 5" with responsibility for negotiating the state budget and major policy initiatives. In 2009 and 2012, the Sacramento Bee identified Blakeslee as one of "Sacramento's Most Bipartisan Legislators."



Come join us in the celebration!

**Cocktail Attire Optional
(We still love those jeans too!)**

WHAT ABOUT THE SUPPLY SIDE OF HOUSING?

By Michael F Brown

For the last forty years a key public policy question pertaining to housing has been: Does environmental “protection” trump a growing and upwardly mobile society’s need for homes. In California, this question has been decidedly answered in the affirmative. The bottom line is that so much land is off limits for residential development (government restriction of supply) and the permitting process for subdivision of land is so lengthy and costly that home prices are out of reach for just about anyone who has under 250% of median income. This problem is now being exacerbated by a whole new layer of regulation designed to prevent or slow “climate change”. The weak and spotty public policy answer to this self-inflicted tragedy has been for elected officials to try to appear to be solving the problem by forcing developers and home builders to offer and/or fund (subsidize) various classes of “affordable units.” Of course the costs are simply passed on to the market rate home purchaser, making those homes even more unaffordable.

These policies are understandably quite popular among people who have homes and who do not wish to see established communities’ quality of life undermined by higher densities, taller buildings, more traffic, and perceived social problems attendant to such development. Since local governments and the states will not craft policies that

create new areas where homes can be efficiently produced, but instead foster a whole scheme of densification under the doctrine of “smart growth,” the reaction is completely rational.

Similarly there is a great shortage of rental housing (apartments and townhouses) because it so difficult to find land which is already zoned for them or which can be zoned for them. The public policy “solution” to this problem has been for the Federal Government to hike income tax rates to fund massive programs such as the Section 8 (of The Housing and Community Development Act of 1974) Rental Assistance Program, which provides rental subsidies to various classes of low and moderate income individuals and families.

Unfortunately, there is little support for fixing the supply side of the rental housing conundrum. Communities simply will not zone sufficient land at a scale on which apartment homes can be produced at reasonable rentals. Discussions with large scale apartment developers indicate that projects require 300 or more units to produce an attractive unit affordable to the average working family. These would be well appointed quality 2 and 3 bedroom garden apartments, sunken living room with fireplace, separate kitchen, bath and ½, carports, and landscaped grounds. The larger scale projects can take advantage of economies of scale because producers can acquire building materials, fixtures, hardware,

INTRODUCTION		CHAPTER 1				
Effective August 3, 2009, rents and sales prices are as shown below. The rents and sales prices are updated monthly.						
Table 1.2: Maximum Rents						
	Monthly Rents ¹					
Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Lower Income	Moderate Income	Workforce Income	
Studio	\$372	\$619	\$743	\$1,363	\$1,858	
1	\$426	\$708	\$850	\$1,558	\$2,124	
2	\$478	\$796	\$956	\$1,752	\$2,389	
3	\$531	\$885	\$1,062	\$1,947	\$2,655	
4	\$573	\$956	\$1,147	\$2,102	\$2,867	
<small>Note 1: Maximum rents shown above include costs of utilities based on utility allowances determined by the Housing Authority of the City of San Luis Obispo.</small>						
Table 1.3: Maximum Sales Prices						
	Initial Sales Prices ²					
Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Lower Income	Moderate Income	Workforce Income	
Studio	\$30,000	\$63,000	\$96,000	\$193,000	\$271,000	
1	\$37,000	\$75,000	\$110,000	\$224,000	\$312,000	
2	\$44,000	\$87,000	\$129,000	\$254,000	\$354,000	
3	\$5,000	\$99,000	\$146,000	\$285,000	\$396,000	
4	\$57,000	\$110,000	\$159,000	\$309,000	\$429,000	
<small>Note 2: Homeowners association dues assumption is \$150.00 per month, and mortgage financing is assumed at a 5.74% fixed interest rate for 30 years (per HSH Associates). Prices shown are preliminary estimates, as actual price limits will be determined by the County on a case by case basis.</small>						
Myth: "Affordable housing will lead to an increase in crime in my community."						
Fact: This objection often reflects biased attitudes against certain groups. In most cases people who need affordable housing are senior citizens living on fixed incomes and families working entry-level and low-wage jobs. There is no evidence that affordable housing brings crime to a neighborhood. Whether a development will be an asset or a detriment to a community more often turns on basic management practices: careful screening, prudent security measures, and regular upkeep.						

no report demonstrating improved results, such as faster time from submission to permit approval velocities or reduced costs. If the Board is actually serious, it needs to examine where and how workforce housing, affordable housing, or whatever you want to call it can efficiently be permitted as a matter of right under the zoning ordinance and at scale that allows creation of units which are affordable to local workers.

Similarly, what Mecham may have forgotten and Ray may not know, is the County already assessed the barriers to creating workforce housing by conducting a survey and talking to the experts back in 2008. The results are in its officially published and adopted Housing Element (a legal component of the Adopted Plan of Development), seen below. Note that the top 4 barriers are all caused by government.

Why hasn't the Board of Supervisors done anything about these barriers for the last five years? Why are Mecham and Ray suddenly so concerned? Why do they need to reexamine the causes? Is this simply an electioneering ploy for Ray to say she wants to help government employee unions, which are supporting her campaign? What specific remedies is she proposing to fix the top 4 problems already listed in the County Housing Element of its General Plan?

appliances, HVAC equipment, and financing on a mass competitive basis. Similarly, they can construct the projects on an efficient fast track, reducing costs. Where today in the unincorporated area of San Luis Obispo County can a builder get an over the counter permit for a 300-unit garden apartment? Rents and sales prices in Luis Obispo County affordable to various income level groups are displayed in the County Housing Element table above.

COLAB raised these issues at a Board of Supervisor's meeting after it was announced that Supervisors Ray and a Mecham were forming a Board Committee to look into the issue of how to reduce barriers to the creation of workforce housing. Ray was highly dismissive of these ideas and said she and Mecham "would be talking to experts." COLAB was admonished that workforce housing is not affordable housing. (As we have seen, Ray likes to split hairs). So what? We remember that, three years ago, the County, with much fanfare, announced that it had formed a Planning and Zoning "Process Improvement Team" to eliminate barriers and foster an easier and less costly permitting and entitlement process. This seems to have disappeared. There is

BARRIERS TO DEVELOPING WORKFORCE HOUSING	
Average # of barriers checked	4.62
Building codes	97%
Environmental regulations	96%
Zoning regulations	95%
Cost of land	91%
Availability of financing	88%
Cost of building materials	81%
Public attitude toward workforce housing	77%
Attitude of local officials	74%
Profit margins	68%
Availability of land	57%
Availability of affordable housing builders/developers	57%
Availability of credit worthy home buyers	56%
Cost of labor	45%
Market demand	25%
Availability of labor	18%
Interest rates	7%

A Current Example of Reality:

The February 27, 2014 County Planning Commission agenda contains an example of how the County piles on costs. The developers of the Cypress Ridge planned community are requesting permits to build 30 new homes on 60 acres. In addition to all the zoning provisions, infrastructure, and other normal costs, the County is requiring costly exactions:

- The application has been in processing since May 1, 2009.
- The County is requiring that the units be clustered down and be constructed on 21 acres.
- The County is requiring that the developer maintain 36 acres as permanent open space.
- The County is requiring the developer to buy 9 units of credit (there is no disclosure of the cost in the documents) from The Land Conservancy to reach the 30 home total.
- The County is requiring the developer to donate 13 acres to The Land Conservancy.
- “Prior to filing the final parcel map or tract map, the

applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.”

This is just one example of the extreme hypocrisy of the County’s so called affordable housing policies. Ray and Mecham could meet with the applicant and request an analysis of what these delays and exactions added to the price of the homes. The folks who will live in these houses will not be current workforce. They will be former entrepreneurs, executives and professionals who have retired on large incomes.

The County’s de facto policy (also the City of San Luis Obispo’s) is to quarter the working labor force in Santa Maria and Lompoc, and, some day, in Templeton and San Miguel (under emerging “smart growth” plans). Now if they can just find a way to force them out of their cars and to commute on buses.

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NO LAND FOR HOMES

By Michael F Brown

Recently appointed 4th District SLO County Supervisor Caren Ray has selected San Luis Obispo County's economy-sapping high housing costs as one of her signature campaign issues. This is evident from her campaign website as well as her self-appointment to yet another County study committee on problems of the costs and delays of the permitting process. This time the focus is to be on how to eliminate barriers to the production of workforce housing. "Workforce" is defined by Title 22 of the County Code as 160% of county median income. The county median income is \$58,000, which means that workforce housing is for people earning \$98,000 per year. Supervisor Ray and Supervisor Mecham (who constitute the committee) are going off on yet another proverbial snipe hunt to confer with industry experts about what the County should do to encourage homebuilders to produce more workforce housing.

We have a more direct and potent solution that could be applied to all levels of housing below the full market level (low, low-moderate, moderate, and workforce): Zone more land for housing and subdivide it in advance. Take care of the environmental assessment costs, County processing costs, and fees imposed by the other agencies which wet their fee beaks in every zoning or subdivision application. Then enable future applicants to move forward with over the counter permits. The County could pre-zone thousands of

future homes, which could be built over decades based on market demand.

Not Much Land Zoned For Homes:

San Luis Obispo County covers 3,615 sq. miles (2,313,600 acres). Of the total acreage, 25,118 are contained in the Camp Roberts military installation and are not available for development. Tens of thousands of acres are in Federal and State forests, a national monument, and other public uses. The county's 7 incorporated cities contain 76.8 sq. miles (49,152 acres), land which is not under County zoning authority. There are a number of antiquated subdivisions. These consist of older lots created before the adoption of the California Subdivision Map Act and/or the County's Subdivision Regulations. The County has a policy of trying to extinguish these lots, and permit applicants must go through a costly title search process to prove that they own legal lots in order to develop them. This is true even if owners have been paying property taxes for generations. Much land in the County is used for agriculture and is generally off limits to subdivision for residential or other purposes.

As a result, the Housing Element of the County's General Plan shows that only a tiny fraction of all the land in the unincorporated county is currently zoned for the location of homes. For example, land legally available for homes affordable by households with moderate incomes is listed in the table, on the next page.

SITES ANALYSIS							CHAPTER 3
household units. This amount is more than twice the RHNP allocation number assigned for this income level. The following table lists vacant parcels that could be developed with housing for moderate income households:							
Table 3.7: Vacant Parcels for Moderate Income Households							
Assessor Parcel Number	Community	General Plan Designation and Zoning*	Acres	Density (units/ac)	Maximum Potential Units Per General Plan	Realistic Potential Units	
092-130-052	Nipomo	RMF/CR	6.5	15	73	73	
092-130-079	Nipomo	RMF	1.0	15	11	11	
092-142-034	Nipomo	RMF	1.2	15	18	18	
092-130-048	Nipomo	RMF	2.1	15	32	32	
092-130-049	Nipomo	RMF	3.9	10	39	39	
092-141-035	Nipomo	RMF	1.5	10	15	13	
092-157-025	Nipomo	RMF	0.8	10	8	8	
024-191-060	Cambria	RMF	1.6	15	24	12	
013-151-034	Cambria	RMF	6.6	15	99	50	
062-081-006	Oceano	RMF	0.20	15	3	3	
062-085-004	Oceano	RMF	0.30	15	5	5	
062-082-001	Oceano	RMF	0.16	15	2	2	
062-082-002	Oceano	RMF	0.20	15	3	3	
062-082-003	Oceano	RMF	0.20	15	3	3	
062-082-017	Oceano	RMF	0.16	15	2	2	
062-089-006	Oceano	RMF	0.24	15	4	4	
062-042-033	Oceano	RMF	0.40	15	6	4	
074-294-016	Los Osos	RMF	1.3	15	20	20	
074-229-004	Los Osos	RMF	8.8	10	88	79	
074-229-026	Los Osos	RMF	2.5	10	25	23	
074-229-024	Los Osos	RMF	22.5	10	225	223	
					Total	627	

* The General Plan Designation and the zoning are the same for the County.
 Note: 1. Los Osos is subject to a State imposed sewer moratorium, but a community sewer project is expected for completion in 2012.

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Table 3.8: Vacant Parcels for Above Moderate Households				
APN	Community	General Plan Designation	Acres	
021-013-058	San Miguel	RSF	1	
021-071-001	San Miguel	RSF	2	
021-241-021	San Miguel	RSF	3.9	
021-361-003	San Miguel	RSF	37	
021-151-045	San Miguel	RSF	3.9	
040-289-018	Templeton	RSF	3.8	
040-361-018	Templeton	RSF	1.0	
040-361-009	Templeton	RSF	1.1	
040-361-037	Templeton	RSF	2.6	
040-289-028	Templeton	RSF	7.5	
040-131-046	Templeton	RSF	0.5	
040-075-004	Templeton	RSF	2	
041-031-006	Templeton	RSF	2	
041-031-013	Templeton	RSF	4.9	
040-292-033	Templeton	RSF	3.0	
017-292-027	Shandon	RSF	0.5	
017-292-025	Shandon	RSF	0.4	
017-292-001	Shandon	RSF	0.5	
092-123-067	Nipomo	RSF	3.2	
092-570-044	Nipomo	RSF	1.3	
092-572-013	Nipomo	RSF	3.5	
092-572-014	Nipomo	RSF	4.7	
092-572-053	Nipomo	RSF	3.2	
074-431-001	Los Osos	RSF	7.7	
074-026-010	Los Osos	RSF	2.7	
074-052-049	Los Osos	RSF	5.1	
062-069-009	Oceano	RSF	1.2	
062-321-040	Oceano	RSF	2.7	
			Total	
			112.9	

Pathetic: The Board of Supervisors of a 2.3 million acre County has only zoned 59.17 acres out of 2.3 million for moderate-income housing. Similarly, vacant parcels for above moderate households are also very limited per the table above.

It is not clear in the County Housing Element how many total lots may be available for all types of houses or where they are located. The recent urgency water/development moratorium ordinance in the Paso Robles Water Basin may have effectively extinguished as many as 1500 existing rural and suburban lots for which potential applicants will have to obtain so-called water offset credits in order to be allowed to develop them.

The Ray/Mecham Housing Committee should have the Planning Department prepare a comprehensive set of tables displaying all existing developable by income level. The table should indicate how many lots of each class are restricted by various impositions, such as the Paso Water Moratorium, the Nipomo water restrictions, etc. This should be accompanied by summary maps depicting the locations. This vital data would enable the Committee to begin its analysis with the big picture and an understanding of how the totality of the County's architecture of land use regulation impacts

the issue (an adequate definition of the problem). This will sharpen the policy perspective: Will Board members take actions to expand the number and range of housing sites or is their professed concern simply rhetoric?

It is also important to understand the County's income definitions to properly assess the problem. The table below depicts the situation for households that fall below full market price capacity:

Table 1.1: Income Definitions						
Persons in Family	Extremely Low Income (30% County Median Income)	Very Low Income (50% County Median Income)	Lower Income (80% County Median Income)	Median Income	Moderate Income (120% County Median Income)	Workforce Income (160% County Median Income)
1	\$14,900	\$24,800	\$39,650	\$48,650	\$59,450	\$79,280
2	\$17,000	\$28,300	\$45,300	\$68,860	\$67,950	\$90,640
3	\$19,150	\$31,850	\$51,000	\$83,700	\$76,450	\$101,520
4	\$21,250	\$35,400	\$56,650	\$70,800	\$84,950	\$113,280
5	\$22,950	\$38,250	\$61,200	\$78,460	\$91,750	\$122,320
6	\$24,650	\$41,050	\$65,700	\$82,160	\$98,550	\$131,440
7	\$26,350	\$43,900	\$70,250	\$87,800	\$105,350	\$140,480
8	\$28,050	\$46,750	\$74,800	\$88,460	\$112,150	\$149,520

Source: County Planning and Building Department

How the County Makes It Even More Difficult:

Complicating the problem is the omnipresent “smart growth” doctrine, which demands that housing be concentrated in dense urban centers. The County policy is contained in the following section excerpted from the Housing Element of the General Plan:

Principle 6: Create a range of housing opportunities and choices.

Policies

1. Plan for most new housing to be within urban or village areas and close to jobs while protecting residential areas from incompatible uses.
2. Provide quality housing choices that are affordable to people with a variety of income levels.
3. Provide a range of housing types within each neighborhood, and avoid creating adverse concentrations of affordable units.



Implementing Strategies

1. Implement the Housing Element to implement these policies.
2. Update the Land Use Ordinance and LUE area and community/village plans to encourage a diversity of housing (sizes, types, and costs) within subdivisions and neighborhoods.
3. Revise the Countywide Design Guidelines, community design plans and specific plans to illustrate how to integrate higher density development within existing neighborhoods.
4. Amend the Land Use Ordinance to require site designs for condominium and planned development projects that provide a range of housing sizes, footprints and design features.
5. Modify the Land Use Element and Land Use Ordinance to allow and encourage a diversity of housing (sizes, types, costs) within subdivisions and neighborhoods.
6. Modify the Land Use Element and Ordinance to create a new land use designation, such as “Mobilehome Park (MHP)” to be applied to existing mobile home parks and sites where future mobilehome parks are appropriate.
7. Modify the Land Use Ordinance to allow more affordable units without parking, for residents who do not wish to pay for it.

Figure 1-10: Creekside Gardens affordable housing

The illustration contained in “Principle 6” above shows a low-rise, heavily landscaped, semi-attached faux bungalow development. The written text mandates the stack and pack “smart growth” densification scheme. The more likely reality is the multi-story barracks style structure shown below. Who will maintain the unusable “common” lawn area in the front?



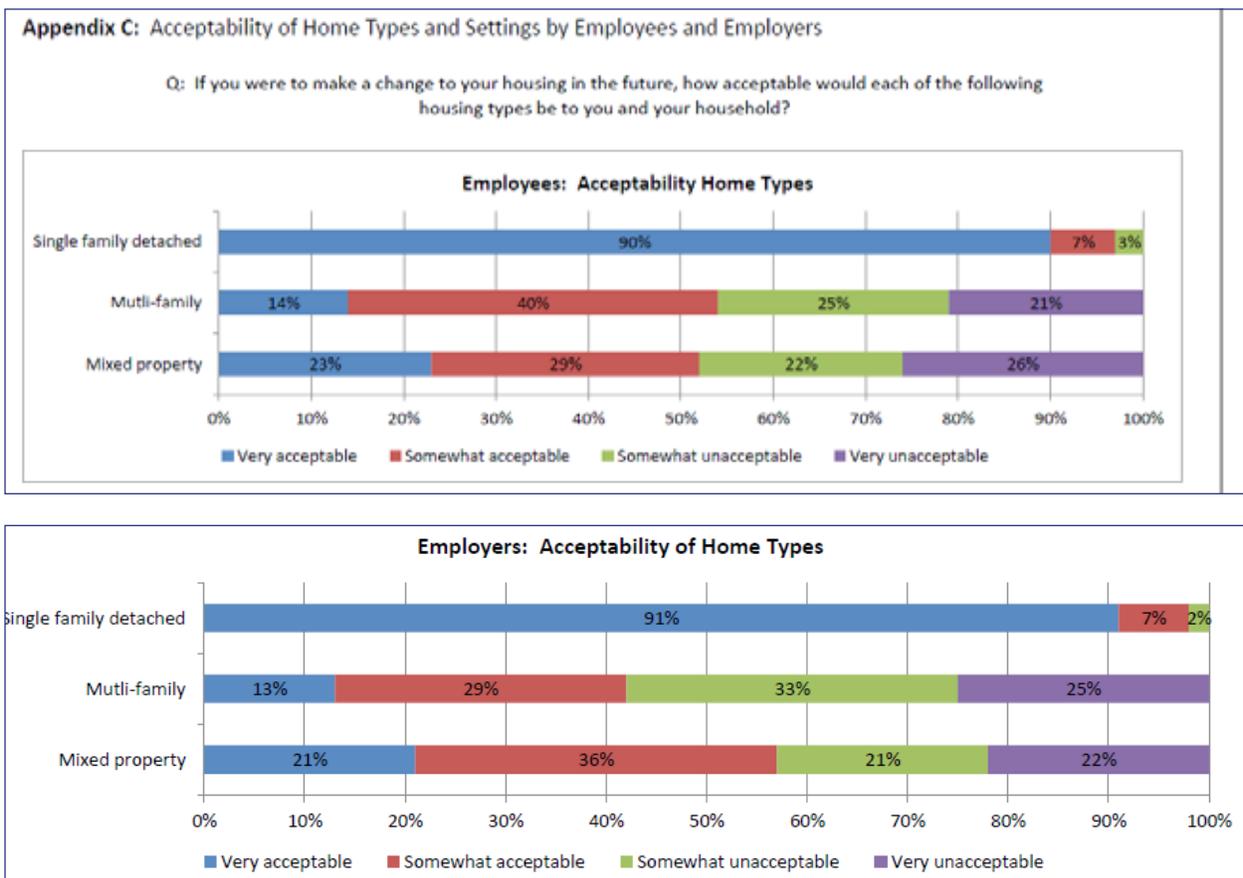
Compare the recently completed SLO County structure in the illustration above with a new barracks recently completed at the Camp Pendleton Marine Base depicted right.



At least the Marines allow vehicular access to the front door. No doubt the non-native palm trees would be prohibited in SLO County as too water intensive.

County Land Use Plan Out of Sync With Citizens Preferences:

A major conflict with the County’s adopted plans and doctrine is that most SLO County residents do not wish to live in or raise their families in an environment reminiscent of the home of C Company of the 2nd Battalion of the 1st Rapid Deployment Brigade. This flaw in the County’s overall strategy and adopted planning doctrine has been clearly pointed out by the Economic Vitality Corporation’s (EVC) long anticipated housing study. The EVC, which serves as the County’s not-for-profit business-based contract economic development arm, surveyed both employers and employees about their housing preferences. The data overwhelmingly shows that both groups prefer to live in freestanding single-family homes with yards, garages, and physical separation from neighbors.



What will it take to elect County Supervisors who will reject the ideological “smart growth” doctrine and actually act on the peoples’ preferences? What will it take to elect a Board of Supervisors which will actually change land use polices to enable the creation of homes that the people of San Luis Obispo County actually prefer?



This article was prepared by Mike Brown, Governmental Affairs Director of The Coalition of Labor, Agriculture and Business of San Luis Obispo County. Brown has 42 years of state and local government experience.

LEST WE FORGET

Readers of the January COLAB Monthly Newsletter may recall the article about Supervisor Adam Hill's New Times rant which insulted just about every conceivable group in the County. Local mainstream media such as the San Luis Obispo Tribune ignored the issue and thereby provided political air cover and de facto support to Hill and his cronies. In case you missed it, Forbes Magazine, published a brilliant article by nationally prominent columnist, author, and scholar Steven Hayward exposing Hill as a poster child example of what is wrong with American government. The article was first published by Forbes Magazine on January 20, 2014. Hill bombastically threatened to file a law suit against Mr. Hayward. As of this writing we have seen no complaint filed in the Superior Court. We have not seen any formal repudiation of Hill by the other Board members. The SLO County crony system rolls on.

BUREAUCRACY IN AMERICA NOW GOES ALL THE WAY DOWN

By Steven Hayward

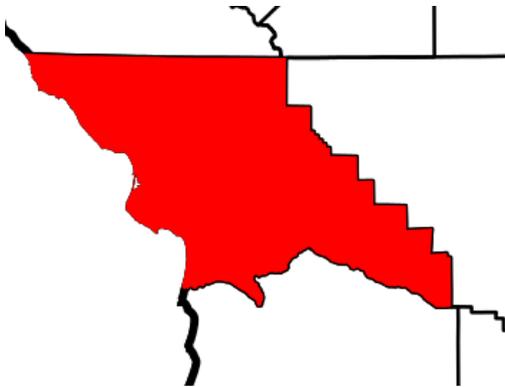
There's a popular story, almost surely apocryphal, involving the philosopher Bertrand Russell (or William James, take your pick) and a skeptical woman who spoke up at one of his lectures. What you have told us is rubbish, she asserted; the universe exists on a giant plate balanced on the back of a turtle. Russell responded: Ah, but what is the turtle standing on? "You're very clever young man," the woman replied, "but it's turtles all the way down!"

This story comes to mind when pondering the relentless growth of bureaucratic government in America. While conservatives (and populists of many stripes) typically attack the growth of centralized bureaucracy in Washington DC, we are failing to perceive how fully bureaucratic rule nowadays permeates every level of government right down



to many small town councils and county commissions. Consider, for example, the more than three dozen cases reported around the country of local bureaucrats flexing their power to stamp out the menace of . . . children's lemonade stands. The Coralville, Iowa, police shut down 4-year-old Abigail Krstinger's sidewalk lemonade stand because she lacked a \$400 city permit—a feat duplicated in Midway, Georgia; Appleton, Wisconsin; and McAllen, Texas. This kind of bureaucratic blunderbuss wasn't limited just to phantom fears of an obscure lemon juice-borne bacteria. Local bureaucracies have even restricted or stopped annual Girl Scout cookie sales drives.

These mindless expressions of bureaucratic rule didn't stem from any mandate from Washington DC. These idiocies were self-generated at the local level. Ask a businessperson or entrepreneur where the most significant regulatory hurdles come from today: most will say local or state government rather than Washington DC. It's bureaucratic turtles all the way down.



San Luis Obispo County, California (Photo credit: Wikipedia)

Conservative orthodoxy, going back through Tocqueville to the American Founding, championed local administration over centralized administration, on the sensible ground that the government units close to the people, usually run by citizens governing in a part-time capacity on city councils

and county commissions, would be the most responsive and sensible. A key principle of federalism is that state and local government would resist the centralization of power in Washington, and defend the principle of ruling with and by the consent of the governed.

It is time to recognize that this kind of government no longer exists; the culture of bureaucracy now permeates all levels of government in the U.S. Today local governments in the U.S. are just as careerist, self-seeking, and mindlessly bureaucratic as any remote bureau in Washington.

I've been making a case study of my local home county in California, San Luis Obispo. The County is a sleepy part of the state halfway between Los Angeles and San Francisco, known for agriculture, ranching, tourism, some high tech, and a state university. Compared to California as a whole, the county has grown only modestly over the last 30 years. Its politics ought to be fairly simple, but they are not.

The county government likes to boast that its budget has grown in line with inflation over the past decade while its workforce has not increased at all. But like much of government at all levels today, the real mischief is not to be apprehended on the "top line" figures of general spending and number of direct staff. More and more of local government is being conducted by special agencies, indirectly and tenuously accountable to voters at best, with opaque budgets and complex legal authority.

San Luis Obispo's Air Pollution Control District (APCD) is a case in point. Just about every county in California has one of these standalone bureaucracies. They make some sense in high air pollution areas like Los Angeles and Fresno. But air pollution is relatively low in San Luis Obispo County, and is steadily falling because of improving technology driven by national standards. If San Luis Obispo's APCD were abolished tomorrow, there would be little change in the improving trends of air quality in the county. In fact, if the APCD had been abolished a decade ago, air quality trends would likely have been little

different. A close look shows that the APCD exists mainly to perpetuate itself, and provide comfortable employment for its staff.

Instead, as air pollution continues to fall, over the last decade the APCD's budget has doubled. Its director, Larry Allen, is paid close to \$250,000 a year (plus a car allowance). By contrast, Gina McCarthy, the administrator of the federal Environmental Protection Agency, is paid \$179,000 a year. Nearly all of the APCD's staff is paid a six-figure salary. Allen's chief accomplishment, according to his staff biography, is overseeing the "residential wood combustion rule," which is exactly what it sounds like: restrictions on the kind of fireplaces that can be installed or used in new residences. The APCD exists not by appropriations from the county or the state, but solely through permit and inspection fees and fines that it determines itself. The perverse incentives here are obvious. Right now the APCD is looking to fill \$300,000 in lost revenues from permit fees on a power plant that is shutting down soon. Back in 2010, the APCD charged the state university \$13,000 to re-inspect and permit a tractor.

This kind of government is corrupt at a profound level: largely autonomous entities like the APCD violate the basic principle of the separation of powers, as well as basic understandings of just about any conception of democratic accountability. And this kind of rule is spreading like weeds throughout American government at all levels.

If you pay attention and complain about this kind of rule, you tend to get the kind of response given last week by the incoming chairman of the board of the APCD, county commissioner Adam Hill. In a letter to the editor of the *New Times*, the local "alternative" weekly, Hill makes clear that he views all critics of unaccountable bureaucratic rule as "conspiracy" mongers:

Not only the superficially educated and narrow-minded, not only bumpkins with bad breath and worse teeth, not only the gullible and aggrieved, not only those who are nostalgic for a past that never was, not only those who are afraid of losing control—the fire-breathers, the weapons-collectors, wearers of bespoke body armor, anonymous online trolls, lovers of Ayn Rand novels for whom the gift of literacy is truly wasted, not only the teacher's pets from cardio-prayer class, and the self-appointed scolds of free speech and the memorizers of parables about power ...

And that's just the first paragraph. (You owe it to yourself to take in the whole screed at the link above. It gets worse.)

Keen observers of the American scene going back to Tocqueville, Lord James Bryce, and Henry Adams have noted how elected office often attracts fools, knaves, and power-hungry mediocrities. But in an age of increasingly autonomous rule, the phenomena of bureaucratic turtles all the way down portends the infinite regress to the abolition of meaningful self-government.

Steven Hayward

Contributor

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