



Western Riverside Council of Governments Technical Advisory Committee

AGENDA

**Thursday, February 19, 2026
9:30 AM**

**Western Riverside Council of Governments
1955 Chicago Avenue
Riverside, CA 92507**

**WRCOG HAS MOVED
PLEASE NOTE THE NEW LOCATION:**

**1955 CHICAGO AVENUE
RIVERSIDE, CA 92507**

Remote Meeting Locations:

**City of Beaumont
Beaumont Civic Center
550 East 6th Street, Map Room
Beaumont, CA 92223**

**City of Calimesa
City Hall
Senior Center Map Room
908 Park Avenue
Calimesa, CA 92230**

City of Lake Elsinore

**City Hall
City Manager's Conference Room
130 S. Main Street
Lake Elsinore, CA 92530**

**City of Menifee
City Hall
Menifee Conference Room
29844 Haun Street
Menifee, CA 92586**

**City of Moreno Valley
City Hall
City Manager's Conference Room
14177 Frederick Street
Moreno Valley, CA 92553**

**City of Murrieta
City Hall
Conference Room 2C
1 Town Square
Murrieta, CA 92562**

**City of Temecula
City Hall
City Manager's Office
41000 Main Street
Temecula, CA 92590**

**City of Wildomar
City Hall
23873 Clinton Keith Road, Suite 110
Wildomar, CA 92595**

**March Joint Powers Authority
March Inland Port Authority
17405 Heacock Street
Riverside, CA 92551**

**3593 Eastfield Court
Carmel, CA 93923**

Members of the public are welcome to participate remotely from any location. Committee member participation is limited to locations that are listed on the published agenda.

**[Public Zoom Link](#)
Meeting ID: 857 9285 4594**

Passcode: 096592
Dial in: 669 444 9171 U.S.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Technical Advisory Committee meeting, please contact WRCOG at (951) 405-6706. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 1955 Chicago Avenue, Suite 200, Riverside, CA, 92507.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to lfelix@wrcog.us. To ensure distribution to Committee members prior to the meeting, please submit comments no later than two hours before the meeting is scheduled to begin. Public comments will also be accepted in person and via Zoom during the meeting.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Lucy Felix at least 72 hours prior to the meeting at (951) 405-6706 or lfelix@wrcog.us. Later requests will be accommodated to the extent feasible.

The Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

1. CALL TO ORDER (Craig Miller, Chair)

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS

At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. Action Minutes from the November 20, 2025, Technical Advisory Committee Meeting

Requested Action(s): 1. Approve the Action Minutes from the November 20, 2025, Technical Advisory Committee meeting.

6. REPORTS / DISCUSSION

A. Regional Food Rescue Program Activities Update

Requested Action(s): 1. Receive and file.

B. Development Mitigation Fee Legislation Activities Update

Requested Action(s): 1. Receive and file.

C. 35th Annual General Assembly & Leadership Address Community Service Award Nominations

Requested Action(s): 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray

8. ITEMS FOR FUTURE AGENDAS

Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

9. GENERAL ANNOUNCEMENTS

Members are invited to announce items / activities which may be of general interest to the Committee.

10. NEXT MEETING

The next Technical Advisory Committee meeting is scheduled for Thursday, March 19, 2026, at 9:30 a.m., in **WRCOG's new office at 1955 Chicago Avenue, Riverside.**

11. ADJOURNMENT

Technical Advisory Committee

Action Minutes

1. CALL TO ORDER

The meeting of the WRCOG Technical Advisory Committee was called to order by Vice-Chair Brett Channing at 9:32 a.m. on November 20, 2025, in WRCOG's office.

2. PLEDGE OF ALLEGIANCE

Vice-Chair Channing led the Committee members and guests in the Pledge of Allegiance.

3. ROLL CALL

- City of Beaumont - Gus Romo
- City of Calimesa - Will Kolbow
- City of Canyon Lake - Arron Brown
- City of Corona - Brett Channing
- City of Eastvale - Mark Orme
- City of Jurupa Valley - Rod Butler
- City of Lake Elsinore - Jason Simpson
- City of Menifee - Bryan Jones
- City of Moreno Valley - Brian Mohan
- City of Murrieta - Kristen Crane
- City of Norco - Lisette Free
- City of Perris - Clara Miramontes
- City of Riverside - Ruby Castillo
- City of Temecula - Betsy Lowrey
- Eastern Municipal Water District - Jolene Walsh
- March IPAA - Cindy Camargo

*Arrived after Roll Call

Absent:

- City of Banning
- City of Hemet
- City of San Jacinto
- City of Wildomar
- County of Riverside
- Western Water
- Riverside County Office of Education

4. PUBLIC COMMENTS

There were no public comments.

5. CONSENT CALENDAR

ACTION:	APPROVED AS RECOMMENDED
MOVER:	Jurupa Valley
SECONDER:	Perris
AYES:	Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, Temecula, EMWD
ABSTAIN:	March IPAA

A. Action Minutes from the September 18, 2025, Technical Advisory Committee Meeting

Action:

1. Approved the Action Minutes from the September 18, 2025, Technical Advisory Committee meeting.

6. REPORTS / DISCUSSION

A. TUMF Construction Cost Index Adjustment for 2025

Action:

1. Recommended that the Executive Committee approve the implementation of an automatic Construction Cost Index adjustments for all TUMF land uses tied to the September 2025 indices of the National Association of Realtors and Engineering News Record (ENR) with a cap at 5% on any annual adjustments.

ACTION:	APPROVED AS RECOMMENDED
MOVER:	Perris
SECONDER:	Jurupa Valley
AYES:	Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Jurupa Valley, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, March IPAA

B. I-REN 2028-2035 Business Plan Application

Action:

1. Received and filed.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray, WRCOG Deputy Executive Director, reported that he will be managing the office during Dr. Wilson's absence. WRCOG staff are currently in temporary office space while tenant improvements are being conducted at the second floor permanent office space. All Committee meetings will be at this location except the Executive Committee, which meets at the County building. Finally, Mr. Gray wished Committee members happy holidays.

8. ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

9. GENERAL ANNOUNCEMENTS

There were no items for future agendas.

10. NEXT MEETING

The next Technical Advisory Committee meeting is scheduled for Thursday, January 15, 2026, at 9:30 a.m., at WRCOG's new office at 1955 Chicago Avenue, Riverside.

11. ADJOURNMENT

The meeting was adjourned at 10:16 a.m.



Western Riverside Council of Governments Technical Advisory Committee

Staff Report

Subject: Regional Food Rescue Program Activities Update
Contact: Olivia Sanchez, Program Manager, osanchez@wrcog.us, (951) 405-6721
Date: February 19, 2026

Recommended Action(s):

1. Receive and file.

Summary:

Senate Bill (SB) 1383 Organics Waste Reduction (OWR) requires local jurisdictions to reduce organic waste disposal and implement edible food recovery programs, placing greater emphasis on local government compliance, monitoring, and enforcement. This update reflects WRCOG's Regional Food Rescue Program as it moves into year three, serving the Cities of Jurupa Valley, Murrieta, and Perris through a regional approach that educates commercial edible food generators, expands access to food recovery organizations, conducts inspections, and documents compliance through a centralized platform. As the program continues, participating jurisdictions will maintain annual inspections and ongoing education to support sustained compliance with SB 1383 requirements.

Purpose / WRCOG 2022-2027 Strategic Plan Goal:

The purpose of this item is to provide an overview of the Regional Food Rescue Program. This effort aligns with WRCOG's 2022-2027 Strategic Plan Goal #6 (Develop and implement programs that support resilience for our region) and sub-goal #6.3 (Continuing to support the Solid Waste and Recycling Program).

Discussion:

Background

California's SB 1383 mandates a 50% reduction in organic waste disposal from 2014 levels by 2020 and a 75% reduction by 2025, as well as recovering 20% of edible food for human consumption by 2025. WRCOG, in collaboration with MSW Consultants, developed a regional food recovery program involving multiple cities to comply with these requirements. Site visits and inspections were conducted as part of the program, resulting in food donations. Moving forward, cities must enforce program requirements and penalties, with annual inspections and ongoing education, to ensure continued compliance with SB 1383.

WRCOG's Regional Food Rescue Program was developed and implemented to assist its member

agencies in complying with SB 1383 edible food recovery requirements. This Program aims to educate commercial edible food generators (CEFGs) about their food donation obligations, increase access to food recovery organizations (FROs), monitor compliance, and identify gaps in food recovery capacity.

The Program included the participating Cities of Jurupa Valley, Moreno Valley, Murrieta, Perris, and San Jacinto. The team leading this effort includes WRCOG staff, MSW Consultants, DeGrave Communications, and Mariposa Eco Consulting. The online platform and database, Careit, were utilized to memorialize the rescue efforts, tons of food donations, and record inspections for both the CEFGs and the FROs.

Since Program inception, the number of the number of businesses donating food has increased from three to 37, and the number of food recovery organizations participating has grown from three to 22. In calendar year 2025, a total of 102,078 pounds, or 51 tons, of food were recovered through donations.

Present Situation

WRCOG, with MSW, implemented the second year of its Regional Food Rescue Program to support member jurisdictions' compliance with the edible food recovery requirements of SB 1383. The Program focused on education, capacity-building, compliance monitoring, and documentation to increase edible food recovery and reduce organic waste disposal.

During year two, the Program emphasized transitioning from outreach to compliance. Updated inventories of CEFGs and FROs were refined using improved data on business operations and square footage, resulting in more accurate inspection lists and implementation records. A multilingual outreach campaign developed in year one was fully deployed, supported by workshops, social media materials, newsletters, and coordinated education with the Riverside County Department of Environmental Health.

Inspections were conducted for 111 CEFGs and 19 FROs across the five cities. Results showed strong overall compliance, with 86% of CEFGs and 95% of FROs meeting SB 1383 food recovery requirements. Jurisdictions initiated early-stage enforcement for non-compliant entities, with plans for follow-up inspections and, if needed, formal notices of violation in year three.

The Program is anchored by the Careit platform, which serves as the centralized tool for matching food donors and recovery organizations, tracking donations, managing records, and generating reports. Use of Careit enabled participating cities to meet multiple SB 1383 requirements, including outreach documentation, inspections, compliance monitoring, and complaint tracking, while allowing WRCOG to monitor Program performance regionally.

Program outcomes demonstrate significant growth in participation and recovery. Staff efforts have laid the groundwork for a robust food recovery program, enabling participating cities to meet SB 1383 requirements effectively. Year three will focus on bringing remaining non-compliant entities into full compliance and continuing to expand participation and food recovery volumes.

Local jurisdictions have used SB 1383 grant funds to implement edible food recovery and food rescue programs. These Organic Waste Reduction (OWR) funds must be fully expended by November 2026, and no additional OWR grant funding allocations are currently anticipated. As a result, jurisdictions are advised to proactively plan for long-term program sustainability by identifying ways to absorb ongoing costs or secure alternative funding to continue SB 1383 compliance activities, including edible food

recovery and food rescue programming.

At the request of WRCOG, MSW has prepared a budget and scope of work (Attachment #2 to this Staff Report) to continue the Program for each member agency. If there is no interest among member agencies in continuing to receive WRCOG support for SB 1383 food recovery requirements, the Program will cease to exist at the end of the current fiscal year. At that point, it will be up to each agency to maintain compliance with SB 1383.

Prior Action(s):

None.

Financial Summary:

Activities related to SB 1383 are included in the Agency's adopted budget for Fiscal Year 2025/2026 under the Solid Waste Fund (130).

Attachment(s):

[Attachment 1 - Food Rescue Scope Year 4.pdf](#)

[Attachment 2 - Food Rescue Cost Year 4.pdf](#)

Attachment

MSW Food Rescue Program

Year Four Scope

SB 1383 Edible Food Recovery Compliance Maintenance Program

Background

Over the past three years, participating jurisdictions have implemented a comprehensive regional edible food recovery program to meet the requirements of California Senate Bill 1383 (SB 1383). Through this effort, jurisdictions have completed foundational program development activities, including identifying Tier 1 and Tier 2 commercial edible food generators, establishing relationships with food recovery organizations, developing outreach materials, and conducting initial inspections.

As jurisdictions transition beyond the initial implementation phase, ongoing compliance needs shift from program creation to program maintenance. At this stage, the primary regulatory requirements focus on routine inspections, documentation, and reporting to demonstrate continued compliance with SB 1383. Extensive outreach campaigns, capacity planning, and program expansion are no longer required for jurisdictions with stable, mature programs.

In response to this transition, MSW Consultants offers a streamlined SB 1383 Edible Food Recovery Compliance Maintenance Program designed specifically for jurisdictions with an established edible food recovery framework. This service provides a predictable, flat-fee option focused on inspections, documentation, and reporting, while maintaining audit readiness and regulatory defensibility.

Scope of Services

The Compliance Maintenance Program is limited to ongoing compliance support. Services include the following:

1. Generator List Validation

- Annual review and validation of the jurisdiction's existing Tier 1 and Tier 2 commercial edible food generator list.
- Confirmation of generator classifications and basic accuracy of records.
- Documentation of any minor updates identified during the review.

2. Annual Inspections

- Conduct annual inspections of all identified Tier 1, Tier 2 generators, and FROs.
- Verify the existence of required written food recovery agreements.

- Review food donation logs for completeness and consistency.
- Document inspection results and identify compliance red flags, if any.

3. Outreach and Education

- Provide limited follow-up communication related solely to inspection findings or regulatory clarification.
- Update existing outreach materials only when required due to regulatory changes or at the City’s request.

4. Reporting and Documentation

- Prepare concise monthly reports summarizing inspection activity, compliance status, and notable findings.
- Maintain documentation suitable for the jurisdiction’s SB 1383 Implementation Record and Electronic Annual Report (EAR) support.

5. General Program Support

- Onboard new generators into program.
- Coordination with designated City staff as needed to support inspections and reporting.
- Enforcement actions, penalties, and formal notices of violation remain the responsibility of the jurisdiction.

Annual Flat-Fee Pricing

Pricing is based on the number of Tier 1 and Tier 2 commercial edible food generators identified at the time of contract execution. Fees are annual and cover a twelve (12) month compliance period.

Tier	Number of CEFGs and FROs	Single Year Fee	3-Year Fee Total
Tier A	1–10 generators	\$7,800	18,000
Tier B	11–20 generators	\$15,600	36,000
Tier C	21–30 generators	\$31,200	72,000

Pricing Notes

- Jurisdictions with more than 30 generators may require a custom scope and are not eligible for maintenance-only pricing.
- Fees are intended to reflect a mature, maintenance-level program and do not include startup or program build-out activities.

Summary

The SB 1383 Edible Food Recovery Compliance Maintenance Program provides jurisdictions with a cost-effective, predictable option to sustain compliance after completing initial program implementation. By focusing exclusively on inspections, documentation, and reporting, this program ensures continued regulatory compliance while avoiding the cost and complexity of a full-service edible food recovery program.

Attachment

MSW Food Rescue Program

Year Four Costs

City Data			Original Organization Data				Adjustment			Pricing Indicators		MSW's Portion		WRCOG Admin Fee 15%		Total Contract Price	
Population	City	% of total	Tier 1	Tier 2	FROs	Total Organizations	Total Tier 2 and FROs	Tier 2 and FRO Adjustment	Adjusted Total Organizations	Charge Code	Total	3-Year Fee	Single Year Fee	3-Year Fee	Single Year Fee	3-Year Fee	Single Year Fee
30,273	Banning	2%	4	11	5	20	16	10	10	10	\$6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
55,280	Beaumont	3%	10	6	7	23	13	8	15	20	12,000	\$36,000	\$15,600	\$5,400	\$2,340	\$41,400	\$17,940
10,893	Calimesa	1%	2	2	1	5	3	2	3	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
11,166	Canyon Lake	1%	0	3	1	4	4	2	2	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
71,375	Eastvale	4%	12	7	1	20	8	5	15	20	12,000	\$36,000	\$15,600	\$5,400	\$2,340	\$41,400	\$17,940
90,436	Hemet	5%	13	18	5	36	23	14	22	30	24,000	\$72,000	\$31,200	\$10,800	\$4,680	\$82,800	\$35,880
106,941	Jurupa Valley	6%	30	7	8	45	15	9	36	30	24,000	\$72,000	\$31,200	\$10,800	\$4,680	\$82,800	\$35,880
71,563	Lake Elsinore	4%	18	7	5	30	12	7	23	30	24,000	\$72,000	\$31,200	\$10,800	\$4,680	\$82,800	\$35,880
106,401	Menifee	6%	9	10	3	22	13	8	14	20	12,000	\$36,000	\$15,600	\$5,400	\$2,340	\$41,400	\$17,940
112,991	Murrieta	6%	23	18	6	47	24	14	33	30	24,000	\$72,000	\$31,200	\$10,800	\$4,680	\$82,800	\$35,880
26,077	Norco	1%	8	11	6	25	17	10	15	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
79,835	Perris	4%	8	3	2	13	5	3	10	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
55,290	San Jacinto	3%	6	8	5	19	13	8	11	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
110,846	Temecula	6%	33	33	5	71	38	23	48	30	24,000	\$72,000	\$31,200	\$10,800	\$4,680	\$82,800	\$35,880
37,189	Wildomar	2%	4	4	1	9	5	3	6	10	6,000	\$18,000	\$7,800	\$2,700	\$1,170	\$20,700	\$8,970
1,929,292	Total	100%	180	148	61	389	209	125	264		\$198,000	\$594,000	\$257,400	\$89,100	\$38,610	\$683,100	\$296,010

\$ 29,700.00

60% Tier 2 and FRO Adjustment

30% 1-year markup Annual Amount for 3 Years

Missing three member agencies, those ones would have to be customized, Riverside, Corona and Unincorporated Riverside County.

Tier	Tier A	Tier B	Tier C
Number of Generators	10 and under	10-20	20-30
Average generator	10	20	30
Time per inspection (hours)	3	3	4
Average Hourly Rate	\$175	\$175	\$175
Mileage	7.5%	7.5%	7.5%
Materials (DeGrave)	10%	10%	10%
Estimated Total Price per visit	\$6,000	\$12,000	\$24,000
	\$600	\$600	\$800

Pricing Indicators	
10	\$6,000
20	\$12,000
30	\$24,000



Western Riverside Council of Governments Technical Advisory Committee

Staff Report

Subject: Development Mitigation Fee Legislation Activities Update
Contact: Cameron Brown, Program Manager, cbrown@wrcog.us, (951) 405-6712
Date: February 19, 2026

Recommended Action(s):

1. Receive and file.

Summary:

This item shows a staff analysis regarding the practical implications for development mitigation fees following the Sheetz v. County of El Dorado Supreme Court decision. The report outlines how the application of the Nollan / Dolan "essential nexus" and "rough proportionality" standards now extends to all development impact fees, regardless of whether they are imposed legislatively or administratively, as clarified by the Supreme Court. This information on the resulting requirements for local agencies is being provided to ensure that fee programs are supported by robust technical analysis and documentation, and that fee schedules are appropriately tailored to the impacts of specific development types. The report is intended to provide the necessary steps to maintain compliance with both federal constitutional standards and the California Mitigation Fee Act in the administration of local and regional mitigation fee programs.

Purpose / WRCOG 2022-2027 Strategic Plan Goal:

The purpose of this item is to maintain the fiscal integrity of the TUMF Program by sharing information regarding certain cases related to impact fees such as TUMF. This effort aligns with WRCOG's 2022-2027 Strategic Plan Goal #5 (Develop projects and programs that improve infrastructure and sustainable development in our subregion).

Discussion:

Background

For decades, development impact fees in California have been governed primarily by the Mitigation Fee Act (Government Code §66000 et seq.), which establishes the statutory framework for imposing fees on new development to fund public facilities needed to mitigate growth-related impacts. Under this framework, agencies have relied on legislatively adopted, class-based fee programs supported by nexus studies demonstrating a reasonable relationship between development, its impacts, and the facilities funded by the fees. Transportation impact fees, including WRCOG's Transportation Uniform Mitigation

Fee (TUMF), have been widely implemented under this model to address cumulative regional transportation impacts associated with new development.

In 2024, the United States Supreme Court issued its decision in *Sheetz v. County of El Dorado*, holding that the constitutional standards established in *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard* apply to all development impact fees, regardless of whether they are imposed legislatively or administratively. The Court rejected the distinction previously relied upon by some courts between generally applicable, legislatively adopted fees, and project-specific permit conditions. While the decision clarified that the Takings Clause applies broadly to mitigation fees, it left open important questions regarding the level of specificity required for legislatively adopted fee programs and the appropriate standard of judicial review.

Present Situation

Following remand, the California Court of Appeals applied the *Nollan / Dolan* “essential nexus” and “rough proportionality” tests to the traffic impact fee at issue in *Sheetz* and upheld the fee as constitutional. The Court concluded that a clear nexus existed between the county’s legitimate interest in mitigating traffic impacts and the imposition of the fee, and that the fee was roughly proportional in nature and extent to the traffic impacts generated by the development. Critically, the court reaffirmed that class-based, legislatively adopted fee schedules may satisfy constitutional requirements when supported by a robust administrative record, including traffic modeling, trip generation data, cost estimates, and geographically tailored fee zones. Although the decision was later de-published and therefore cannot be cited as precedent, it provides meaningful guidance on how courts may evaluate impact fee programs under the *Sheetz* framework.

For the TUMF Program, the implications of *Sheetz* underscore the importance of maintaining a strong technical and evidentiary foundation rather than signaling a fundamental shift in program structure. TUMF is supported by extensive nexus documentation, regional traffic modeling, land use–based fee differentiation, and ongoing updates to project costs and assumptions. Additionally, the Program includes an established appeals process that allows applicants to request individualized review of fee application where appropriate. Collectively, these features position the TUMF Program to align with the constitutional principles articulated in *Sheetz*, while reinforcing the need for continued diligence in documentation, updates, and transparency to mitigate legal risk and ensure long-term program defensibility. For further details, a legal memorandum on the impacts of the *Sheetz* case on the TUMF Program is provided in Attachment 1 to this Staff Report.

Prior Action(s):

None.

Financial Summary:

Funding for TUMF activities is included in the Fiscal Year 2025/2026 budget under the TUMF Program (1148) in the General Fund (110). 4% of all TUMF collections are allocated for administrative purposes.

Attachment(s):

[Attachment 1 - Memorandum on Impacts of *Sheetz v El Dorado County* on TUMF.pdf](#)



Lutfi Kharuf
(619) 525-1302
lutfi.kharuf@bbklaw.com

Memorandum

To: Western Riverside Council of Governments **File No.:** 20323.00004
From: Best Best & Krieger LLP
Date: February 2, 2026
Re: Impacts of *Sheetz v. County of El Dorado* on TUMF

ISSUE PRESENTED

This memorandum examines how *Sheetz v. County of El Dorado* affects the Transportation Uniform Mitigation Fee (“TUMF”) administered by the Western Riverside Council of Governments (“WRCOG”).

CONCLUSIONS

1. TUMF is subject to both California limitations on development impact fees under the Mitigation Fee Act and federal takings principles requiring an essential nexus and rough proportionality between the fee and a project’s impacts.
2. On remand, in a de-published opinion, the California Court of Appeal determined that the impact fees imposed by El Dorado County were constitutional and outlined a framework for evaluating development impact fees, while emphasizing that fee challenges remain fact specific..
3. TUMF rests on substantial evidence, technical studies and analysis and provides an individualized review process designed to satisfy state and federal legal requirements.

ANALYSIS

I. BACKGROUND OF TUMF

WRCOG is a council of governments composed of cities and local governments in Western Riverside County. WRCOG’s purpose is to focus on matters of regional importance to accomplish regional goals. As such, WRCOG administers the TUMF program to ensure new

development pays its fair share for increased traffic. TUMF is a development impact fee that funds local and regional transportation projects, such as interchanges, roads, and bridge. TUMF calculations are “based on the proportional allocation of the costs of proposed transportation improvements based on the cumulative transportation system impacts of different types of new development. Fees are directly related to the forecast rate of growth and trip generation characteristics of different categories of new development.” (WRCOG TUMF Fee Calculation Handbook, p. 1.)

WRCOG assigns TUMF rates by land use category, including residential, retail, service, industrial, and office uses. (WRCOG Administration & Fees: Fee Calculation.) Fees associated with new standard residential development (single-family/multi-family) are calculated based on the applicable rate and number of dwelling units. (*Id.* at p. 1, fn. 2.) Non-residential fees are calculated “based on the prescribed TUMF rate and the gross floor area of all buildings associated with the new development.” (*Id.*) WRCOG has adopted alternative methodologies for certain defined uses where trip generation is not accurately captured by unit count or square footage. (*Id.* at p. 7.)

WRCOG calculates and collects TUMF, while each member agency adopts the fee pursuant to the Mitigation Fee Act (“Act”) and remains responsible for statutory compliance.

II. LEGAL FRAMEWORK: STATE AND FEDERAL LAW

Development impact fees in California, including TUMF, are governed by the Act (Cal. Gov. C., §§ 66000 *et seq.*). In *Sheetz v. County of El Dorado*, the United States Supreme Court clarified that such fees are also subject to federal takings analysis.

a. State Law Requirements: the Mitigation Fee Act

The Act took effect on January 1, 1989, and provides “a statutory standard against which monetary exactions by local governments subject to its provisions are measured.” (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 865.) The Legislature enacted the Act “in response to concerns among developers that local agencies were imposing development fees for purposes unrelated to development projects.” (*Id.* at p. 864.) As such, the Act establishes a uniform process that land use authorities, such as cities and counties, must follow in order to impose fees as a condition of property development. (*See, e.g., Centex Real Estate Corp. v. City of Vallejo* (1993) 19 Cal.App.4th 1358, 1361.)

A development impact fee is “a monetary exaction other than a tax or special assessment ... that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project ...” (Cal. Gov. C., § 66000(b).) Importantly, development impact fees cannot “include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.” (*Id.* at § 66001(g).) Public facilities “include[] public improvements, public services, and community amenities.” (*Id.* at § 66000(d).)

The Act establishes a “reasonable relationship” test for valid development impact fees. (*Id.* at §66001(a)-(b).) In order to meet this test, prior to establishing, increasing, or imposing a development fee, a local agency must do all of the following:

- Identify the purpose of the fee;
- Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by:
 - Reference to a capital improvement plan as specified in the Act;
 - Applicable general or specific plan requirements; or
 - Other public documents that identify the public facilities for which the fee is charged;
- Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed; and
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

(*Id.* at § 66001(a).) Additionally, when a local agency imposes a fee as a condition of approval of a development project, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. (*Id.* at § 66001(b).)

As such, the Act establishes two ways for a local agency to satisfy the “reasonable relationship” requirement. Section 66001(a) requires the local agency to determine how there is a “reasonable relationship” between both “the fee’s use and the type of development project on which the fee is imposed” and “the need for the public facility and the type of development project on which the fee is imposed.” (*Id.* at § 66001(a).) Section 66001(b) requires the more specific determination of a “reasonable relationship” between “the amount of the fee and the cost of the public facility or portion ... attributable to the development on which the fee is imposed.”

b. Federal Law Requirements: *Nollan and Dolan*

The Fifth Amendment of the United States Constitution prohibits the government from taking private property for public use without just compensation. (U.S. Const. amend. V (Takings Clause).) By requiring the government to pay for what it takes, the Takings Clause saves individual property owners from bearing “public burdens which, in all fairness and justice, should be borne by the public as a whole.” (*Armstrong v. United States*, 364 U.S. 40, 49 (1960).)

While States have substantial authority to regulate land use, the right to compensation is triggered if they “physically appropriat[e]” property or otherwise interfere with the owner's right to exclude others from it. (*Cedar Point Nursery v. Hassid*, 594 U.S. 139, 149–

152 (2021).) Such an intrusion on a property owner's rights is a per se taking. (*Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 426 (1982).)

On occasion, permit conditions may also constitute a taking. If the government can deny a building permit to further a "legitimate police-power purpose," then it can also place conditions on the permit that serve the same end. (*Nollan v. California Coastal Comm'n*, 483 U.S. 825, 836 (1987).) A legitimate implementation of police power does not entitle the landowner to compensation even if they require the landowner to convey a portion of their property to the government. (*Id.*) Based on this premise, local agencies may place conditions on issuance of permits, including a requirement to pay money. For example, where a proposed development will "substantially increase traffic congestion," the government may condition the building permit on the owner's willingness "to deed over the land needed to widen a public road." (*Koontz v. St. Johns River Water Management Dist.*, 570 U.S. 595, 605 (2013).)

However, an improper exercise of police power or land use authority could occur where government withholds or conditions a building permit for reasons unrelated to its land-use interests. In these sorts of scenarios, the landowner is "likely to accede to the government's demand, no matter how unreasonable," so long as the landowner values the building permit more. (*Koontz, supra*, 570 U.S. at p. 605.) These sorts of conditions are not legitimate exercises of land-use authority and police power; rather, as the United Supreme Court has noted, they amount to "an out-and-out plan of extortion." (*Nollan, supra*, 483 U.S. at p. 837.)

As such, the United States Supreme Court set forth a two part test to determine whether conditions on permitting are constitutional under the Takings Clause, commonly referred to as the *Nollan/Dolan* test. First, permit conditions must have an "essential nexus" to the government's land-use interest. (*Nollan, supra*, 483 U.S. at p. 837.) "Essential nexus" ensures that the government is acting to further its stated purpose, and not leveraging the permitting process to exact private property without compensation. (*Id.* at p. 841.) Second, permit conditions must be "roughly proportional" to the development's impact on the land-use interest. (*Dolan v. Tigard*, 512 U.S. 374, 391 (1994).) A permit condition is not "roughly proportional" if it requires the developer to contribute more than is reasonably necessary to mitigate the project's harms. (*Id.* at p. 393.) This test applies whether the condition requires payment of money or relinquishing private property. (*Koontz, supra*, 570 U.S. at pp. 612–615.)

c. *Sheetz I* Makes *Nollan/Dolan* Applicable to TUMF

Prior to the United States Supreme Court's decision in *Sheetz v. County of El Dorado*, the California Supreme Court concluded that the *Nollan/Dolan* test applies only to ad hoc monetary exactions imposed as a condition of approving a development project by individual property owners, and not to "legislatively prescribed monetary fees." (*Sheetz v. County of El Dorado*, 601 U.S. 267, 276 (2024) ("*Sheetz I*"); see also *Ehrlich, supra*, 12 Cal.4th at p. 881.) *Ehrlich* involved a city's condition for developing a particular multi-family residential project on the site of a former tennis club on the owner's payment of \$280,000 for recreational facilities. (*Ehrlich* at pp. 861–863.) The Court held that the fee was subject to the *Nollan/Dolan* test because the city exercised its discretionary powers in imposing and calculating the recreational impact fee, rather than doing so pursuant to a legislative mandate or formula. (*Id.* at p. 876.)

However, in *San Remo Hotel L.P. v. City and County of San Francisco* (2002) 27 Cal.4th 643, 670-671, the California Supreme Court declined to extend the *Nollan/Dolan* test to all development fees, “adhering instead to the distinction [drawn] in *Ehrlich* ... between ad hoc exactions and legislatively mandated, formulaic mitigation fees.” The Court reasoned that: “[w]hile legislatively mandated fees do present some danger of improper leveraging, such generally applicable legislation is subject to the ordinary restraints of the democratic political process. A city council that charged extortionate fees for all property development, unjustifiable by mitigation needs, would likely face widespread and well-financed opposition at the next election. Ad hoc individual monetary exactions deserve special judicial scrutiny mainly because, affecting fewer citizens and evading systematic assessment, they are more likely to escape such political controls.” (*Id.* at p. 671.)

The United States Supreme Court changed this understanding in *Sheetz I*. In *Sheetz I*, the El Dorado County Board of Supervisors approved a General Plan that required building permit applicants to pay a traffic mitigation fee (“Fee”) to receive a building permit. (*Sheetz I, supra*, 601 U.S. at p. 272.) The Fee was based on the type of development (commercial, residential, etc.) and the location of the project. Sheetz was required to pay a \$23,240 traffic mitigation fee for a building permit for a prefabricated home in a rural area. (*Id.*) Sheetz alleged that the amount of the Fee was not based on the cost attributable to his particular project, and that the County was required to make an individualized determination that the Fee amount was necessary to offset traffic congestion attributable to his specific development. Sheetz paid the Fee under protest. (*Id.*)

Sheetz argued that the Fee violated the *Nollan/Dolan* test because it was disproportionate to the impacts of his particular project. Sheetz argued that his prefabricated home in a rural area was unlikely to create traffic impacts necessitating \$23,240. (*Id.* at pp. 272-273.) The County succeeded at the Court of Appeal, which found that the Fee complied with the Act, and was not subject to *Nollan/Dolan* because it was legislatively enacted. The U.S. Supreme Court reversed and remanded the case back to the Court of Appeal. (*Id.* at pp. 273, 280.)

The U.S. Supreme Court held that the Takings Clause does not distinguish between legislative and administrative land use permit conditions. In other words, the *Nollan/Dolan* test applies to legislative actions imposed on a broad class of property owners, not just permit conditions imposed “on an individual and discretionary basis.” While various justices theorized as to how this might be implemented in California, the U.S. Supreme Court remanded the case back to the California Court of Appeal to determine whether the Fee met the *Nollan/Dolan* test.

d. *Sheetz II Upholds Fee under Act and Nollan/Dolan*

On remand, the California Court of Appeal applied the two-part *Nollan/Dolan* test to evaluate whether the Fee amounted to an unconstitutional taking. (*Sheetz v. County of El Dorado* (2025) 335 Cal.Rptr.3d 316 (“*Sheetz II*”). First, the Court looked to whether the “essential nexus” prong of the *Nollan/Dolan* test was met. The Court found a direct and logical connection between the County’s legitimate interest in mitigating traffic congestion and its decision to impose the Fee. (*Id.* at pp. 334-335.) Because Sheetz’s proposed single-family home would generate additional vehicle trips, requiring payment of a traffic mitigation fee was reasonably related to the County’s land use objective. (*Id.*) As the Court noted, this is a “relatively low threshold” which the County easily met. (*Id.* at p. 334.)

The Court focused its more substantive inquiry on whether the amount of the Fee was roughly proportional, in nature and extent, to the traffic impacts caused by Sheetz’s proposed development. (*Id.* at p. 338-340.) In conducting this analysis, the Court reaffirmed a burden-shifting framework. (*Id.* at p. 346.) The County met its burden by relying on a detailed administrative record, including expert traffic studies, cost forecasts, and zone-specific modeling. (*Id.* at pp. 347-349.) These analyses quantified the expected vehicle trips generated by different types of development and apportioned infrastructure costs accordingly. (*Id.*) The burden then shifted to Mr. Sheetz, but he could not point to any record evidence sufficient to demonstrate that the fee itself was unrelated to its purpose, or that the specific amount bore no reasonable relationship to the public cost. (*Id.* at pp. 350-352.)

Additionally, the Court held that class-wide, legislative imposed fees can satisfy *Nollan/Dolan* so long as they are supported by sound data and methodology. (*Id.* at p. 350.) Specifically, class-based impact fee programs may satisfy *Nollan/Dolan* if supported by technical analysis and empirical data that supports a documented reasonable relationship between the development type and its corresponding infrastructure impacts. (*Id.*) Agencies may use planning tools such as trip generation rates, traffic models, and geographic fee zones remains to reach these conclusions, as well as any other valid and reasonable data supporting such determinations.

As such, *Sheetz II* suggests that agencies should ensure that their development impact fee programs are grounded in a clear and well-documented administrative record, including modeling assumptions and underlying studies. Fees must reasonably reflect the burdens imposed by each category of development.

e. *Impacts of De-Publication of Sheetz II*

Sheetz II provides a good framework and roadmap for establishing development impact fees in California that comply with both state and federal limitations. *Sheetz II* was initially decided and published in July of 2025. After publication, plaintiff petitioned the California Supreme Court for review. Plaintiff also asked the Supreme Court de-publish the Appellate Court’s decision. At the end of 2025, the California Supreme Court declined review, but ordered the opinion de-published.

Practically speaking, only published decisions create binding precedent and law that trial courts must follow. If a decision is unpublished, or published and subsequently de-published, agencies may not rely on such cases as law and courts are not bound to follow holdings in unpublished or de-published decisions. The Supreme Court does not provide a reason for why it de-publishes a case. Importantly, “de-publication is not an expression of the Supreme Court’s opinion of the correctness of the result of the decision.” (Cal. Rules of Court, Rule 8.1125(d).)

III. APPLICATION OF STATE AND FEDERAL LAW TO TUMF

Sheetz I held that development impact fees in California must comply with both State law as set forth in the Act, as well as the Takings Clause by meeting the *Nollan/Dolan* test. Evidentiary sufficiency can only be decided on a case-by-case basis, and each development impact fee must independently demonstrate compliance with state and federal requirements through reliance on evidence. That said, and although de-published, *Sheetz II* supports the analysis and

evidence underpinning TUMF and provides a framework within which development impact fees in California should be examined.

First, *Sheetz II* found that the Fee at issue met the “rough proportionality” requirement because it relied on strong data and evidence. Specifically, the Court looked to the County’s reliance on expert technical reports (e.g. traffic studies) quantifying traffic impacts regionally and based on land-use type; level of service standards set forth in the County’s General Plan; and population growth estimates that analyzed traffic needs resulting from such development.

Here, TUMF is rooted in substantial and technical evidence and analysis, including:

- Southern California Association of Governments (“SCAG”) 2020 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”) to support comprehensive socioeconomic data for the six-county SCAG region including Riverside County. (TUMF Nexus Study – 2024 Update (“Nexus Study”), p. B-1.)
 - This data includes comprehensive information regarding population, household and employment growth, including analysis of historic trends and assumptions to support projections.
- Riverside County Transportation Analysis Model (“RivCom”) to forecast the cumulative regional traffic impacts of new development on the arterial highway network in Western Riverside County. (Nexus Study, p. iv.)
 - RivCom allows WRCOG to forecast existing and future congestion levels from the year 2018 and year 2045 no-build scenarios. (Nexus Study, p. C-1.)
 - Analysis relied on multiple formulae to calculate respective values, including vehicle miles traveled, vehicle hours of travel, vehicle hours of delay, and various level of service assumptions.
 - RivCom breaks network into functional categories to allow more precise analysis of specific impacts.
- Data from Riverside Transit Agency (“RTA”) to estimate bus transit system ridership. (Nexus Study, p. D-1.)
- Designation of the Western Riverside County Regional System of Highways and Arterials (aka the “TUMF Network”), to identify regionally significant highways that primarily support inter-community trips and supplement regional freeway system. These represent extent of network eligible for TUMF funding. (Nexus Study, p. E-1.)
 - TUMF Network was identified through overlaying various transportation system and land use plots, which include existing and

proposed numbers of lanes, network volumes, and volume to capacity ratio derived from SCAG CTP Model Networks developed by Transcore.

- The consolidated list, along with cost estimates, is reviewed by each member agency, individual landowners, stakeholders and representatives of the development community.
- Following peer review, the TUMF Technical Advisory Committee, the TUMF Policy Committee, and the WRCOG Executive Committee each reviewed the TUMF Network.
- For the most recent 2024 update, the TUMF Network was re-assessed in light of changing rate of new development and shifts in employment patterns, to ensure that the Network still reflected demands created by new development.
- Identifying network cost assumptions to meet rough proportionality for an expansive network of facilities. (Nexus Study, p. F-1.)
 - Cost assumptions are based on actual observed values for various materials, labor and right-of-way that would typically be required.
 - Cost assumptions rely on minimum requirements set forth in the Caltrans Highway Design Manual.
 - Cost assumptions are reassessed for each Nexus Study update.
- The Nexus Study further analyzes distribution of trips in the WRCOG region in order to establish an equitable regional/zonal distribution of potential TUMF revenues. (Nexus Study, p. I-1.)
 - Vehicle trip analysis is stratified by zone to establish rough proportionality between local and regional trips.
- Additional peer reviews and analyses included as appendices to the Nexus Study Update.

Second, *Sheetz II* provides a framework under which class-based fees can be found defensible under both the Act and *Nollan/Dolan*. Specifically, the analysis relies on existing California precedent demonstrating that the federal “rough proportionality” analysis is substantively the same as the “reasonable relationship” analysis under the Act.

Third, TUMF’s defensibility is buttressed by a robust appeals process. Section X.C of the Administrative Plan allows for applicants to receive an individualized review of TUMF as applied to their project. Such review could result in a higher or lower TUMF, additional study, or no change at all, depending on the result of the individualized review. This process provides an “individualized review” in addition to class-based fee analysis and support.

CONCLUSION

The landscape governing development impact fees, including TUMF, continues to evolve. However, recent decisions in both California and the United States Supreme Court provide some direction on defensibility of development impact fees in California. These decisions establish that while TUMF is subject to both the Act and the Takings Clause through meeting the *Nollan/Dolan* test, defensibility can likely be established through in depth technical analysis, data, and evidence supporting the identification of projects, and allocations of costs. Additionally, TUMF's robust appeals process ensures that there is an option for individualized review in the event that unique circumstances relating to a project warrant an individualized review.

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Western Riverside Council of Governments Technical Advisory Committee

Staff Report

Subject: 35th Annual General Assembly & Leadership Address Community Service Award Nominations

Contact: Bonnie Woodrome, Communications and External Affairs Manager,
bwoodrome@wrcog.us, (951) 405-6752

Date: February 19, 2026

Recommended Action(s):

1. Receive and file.

Summary:

Each year, WRCOG recognizes community members who have made extraordinary contributions to the region by presenting them with Community Service Awards. Upon final selection by the Executive Committee, this year's awardees are scheduled to be recognized at the 35th Annual General Assembly & Leadership Address on June 18, 2026. The Executive Committee will consider a recommendation from the Administration & Finance Committee following the close of the nomination period.

Purpose / WRCOG 2022-2027 Strategic Plan Goal:

The purpose of this item is to share information on the Community Service Awards selection criteria and nominations. This effort aligns with WRCOG's 2022-2027 Strategic Plan Goal #4 (Communicate proactively about the role and activities of the Council of Governments).

Discussion:

Background

WRCOG's Community Service Awards highlight community members that have gone above and beyond their respective roles and responsibilities to support western Riverside County. The awardees are selected by the Executive Committee after receiving a recommendation from the Administration & Finance (A&F) Committee in its role as the nominating body for the Community Service Awards.

Throughout the nominating period, WRCOG member agency representatives are asked to nominate individuals or groups for the award. The A&F Committee evaluates the nominations and makes a recommendation to the Executive Committee for final action. The nominating period is scheduled to open on February 13, 2026, with a recommendation from the A&F Committee on March 11, 2026, and final action by the Executive Committee on April 6, 2026. The awardees will then be honored at

WRCOG's Annual General Assembly & Leadership Address on June 18, 2026.

Present Situation

The 2026 award nomination and selection process has included the steps outlined below.

1. WRCOG staff notifies member agencies' elected officials and staff that the nomination period is open.
2. Applications are submitted to WRCOG.
3. Staff compiles a list of nominations.
4. Staff presents all submitted nominations to the A&F Committee for review and discussion. Each nominator, outside of A&F Committee members, will be provided up to three minutes during public comment to speak in support of their nominee.
5. The A&F Committee provides a recommendation to the Executive Committee for award recipients.
6. The Executive Committee approves award recipients.
7. Award recipients are honored at the General Assembly & Leadership Address.

The list below outlines the approved Community Service Award selection guidelines for this year's nomination process:

1. Recipient exhibits exemplary volunteerism.
2. Recipient is not a current public elected official.
3. Recipient is not currently employed by a WRCOG member agency.
4. There are two award categories: individual and group.
5. The Executive Committee will select up to two recipients from each category.
6. There is a 200-word narrative limit and each entry is allowed up to five, single-page, supporting documents. Entries must be submitted through the WRCOG form which will be sent to all member agencies via email or available on the WRCOG website at <https://www.wrcog.us/about-us/committees/general-assembly/csa/>.

The nomination period will close at 5:00 p.m. on Sunday, March 8, 2026. All applications received by the deadline will be provided to the A&F Committee prior to its March meeting, and will also be presented during the presentation; however, that Committee retains the right to consider any nomination regardless of timing.

Prior Action(s):

February 11, 2026: The Administration & Finance Committee approved the Community Service Award selection current guidelines shared in this report.

Financial Summary:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment(s):

None.