

dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and (d) (4) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision. The basis for calculating the amount to be dedicated or preserved must be established by ordinance or pursuant to the procedures established in section 462.353, subdivision 4a.

Sec. 3. Minnesota Statutes 2002, section 462.358, is amended by adding a subdivision to read:

Subd. 2c. **NEXUS.** (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.

Sec. 4. **EFFECTIVE DATE; APPLICATION.**

This act is effective August 1, 2004, and applies to ordinances relating to fees, fee schedules, and dedications adopted or amended on or after August 1, 2004.

Presented to the governor May 7, 2004

Signed by the governor May 10, 2004, 10:30 p.m.

CHAPTER 179—H.F.No. 2005

An act relating to the environment; extending the restriction on phosphorus use in fertilizers; amending Minnesota Statutes 2002, section 18C.60, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

New language is indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 2002, section 18C.60, subdivision 2, is amended to read:

Subd. 2. **PHOSPHORUS USE RESTRICTIONS.** (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in a metropolitan county statewide, except under conditions listed in paragraph (d) (b).

(b) A person may not apply granular fertilizer containing greater than three percent phosphate (P205) by weight, or liquid fertilizer at a rate greater than 0.3 pound phosphate (P205) per 1,000 square feet, to turf in a county other than a metropolitan county, except under conditions listed in paragraph (d).

(c) A local unit of government in a county other than a metropolitan county may adopt paragraph (a) in place of paragraph (b). The local unit of government must notify the commissioner of the adoption of paragraph (a) within 30 days of its adoption. The commissioner shall maintain a list of local units of government in counties other than a metropolitan county that have adopted paragraph (a).

(d) Paragraphs Paragraph (a) and (b) do does not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(e) (c) Applications of phosphorous fertilizer authorized under paragraph (d), clause (1) or (2), (b) must not exceed rates recommended by the University of Minnesota and approved by the commissioner.

Sec. 2. **EFFECTIVE DATE; APPLICATION.**

Section 1 is effective January 1, 2005, and applies to fertilizer to be used for turf purchased at retail after August 1, 2004.

Presented to the governor May 7, 2004

Signed by the governor May 10, 2004, 10:45 p.m.

CHAPTER 180—H.F.No. 1851

An act relating to bridges; deleting requirement for Regional Development Commission or Metropolitan Council approval of projects funded from state transportation fund; repealing Minnesota Statutes 2002, section 174.50, subdivision 4.

New language is indicated by underline, deletions by ~~strikeout~~.