



## APPENDIX B

# Zoning Permit Inspections

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As detailed in the “Zoning Compliance” chapter of *Balancing the Books*, legal uncertainty persists over whether local governments can require building or electrical permits for renewable energy facilities. In contrast, zoning permits are a well-established tool used to ensure that construction plans and completed work comply with local ordinances and approvals, such as site plans or special land use permits. While most zoning permit processes include a desk review of the plans, pairing this review with inspections at key points during the construction process helps to identify issues that may impact zoning compliance once the project is operational (e.g., shifting location of foundations or noise emitting equipment). Identifying these issues early allows them to be resolved efficiently and cost-effectively, rather than facing more difficult or costlier remediation after construction is completed.

Following are considerations for zoning permit inspections that might apply to renewable energy projects, to take the place of building inspections (see discussion in the [guide](#), p. 9-10). This process would only apply to projects approved via local zoning, not those approved by the MPSC. *Note this list is not exhaustive and may not apply to every project or community.*

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### Key inspection considerations:

1. **Reviewing existing ordinance language on zoning permits:** If inspections with zoning permits are not already part of existing procedures, the zoning ordinance must include language enabling these. A municipal attorney can help to ensure any ordinance amendments are reasonable, consistent, and well-integrated into the overall code.
2. **Planning for inspections:** Zoning permit language and/or the conditions of approval should clearly specify which site plan elements require inspection and the timing of these inspections. This helps prevent uncertainty for developers. Clear notification procedures should be established so that developers can inform the municipality when a key location is ready for inspection, with agreed timeframes for the inspection to be conducted. Some items (e.g., foundation locations to determine setback distances) may be easily assessed by the developer sending GPS coordinates and photographs. Other items—like soil retention measures or underground cable depth—may require visual inspection during construction.
3. **Timing of inspections:** Generally, zoning inspections should occur once key locations are staked, but prior to installation. Vegetative screening may be inspected after installation. Emergency infrastructure may be most appropriately in place and inspected prior to the delivery of batteries to the site. A final inspection should take place prior to the commencement of project operations.

## Key locations for inspection:

4. **Identification of key locations relevant to the site plan:** For renewable energy and energy storage facilities, certain system components are crucial for long-term compliance. Inspections should focus on elements specifically referenced in the zoning ordinance and/or special land use permit. Consider the following (adapt as needed):
  - Staging areas, such as lay-down yards
  - Solar panel locations nearest to the fenceline and property lines
  - Wind turbine foundation locations
  - Inverter pad locations
  - Battery energy storage enclosure locations (prior to battery installation)
  - Fence location
  - Key locations for vegetative screening (e.g., near non-participating neighbors)
  - Emergency and fire safety infrastructure (e.g., roads, fire hydrants)
  - Other key items identified by the developer or the municipality that are key to compliance

**Note:** Only include items that are referenced directly by the local ordinance. For example, only inspect vegetative screening if that is a condition of approval and relevant to the specific project.