

Mr. David W. Sunday, Jr.  
Office of Attorney General  
Commonwealth of Pennsylvania  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120

Attn: ACRE

Re: Request for exemption from local setback ordinance – Agricultural High Tunnel

Dear Mr. Sunday,

I am writing to respectfully request an exemption from a local municipal ordinance in Jefferson Township, Mercer County. The local municipal ordinance requires an 85-foot setback from a roadway for the placement of buildings. I am requesting an exemption from this local ordinance for an agricultural high tunnel structure located on Jefferson Township property at [REDACTED], Mercer County Pennsylvania.

The property in question is a field of [REDACTED] which is owned by my father, [REDACTED]. This property is enrolled in the Agricultural Security Area (ASA) program and development rights were previously sold to the Commonwealth. This property meets the definition of agricultural land under Pennsylvania law and is actively used for agricultural production. The property is also in the Agriculture Preservation Program.

The road our farm is located on is a back country road that is not considered a thorough fare. Typical “local” traffic includes mail delivery, farm equipment and sometimes a school bus depending on the time of year. As recently as two years ago it was a dirt road in the area where the field with the high tunnel is located. Additionally, the farm’s original homestead (built in 1865) sits closer to the road than the current high tunnel. The original homestead has never had any issues with its close proximity to the road.

For years this field has been and continues to be used to raise sweet corn. In 2020 a portion of the field was allocated for use by [REDACTED]. The [REDACTED] portion encompasses the first 40 feet of the field (after a 6 foot yard area between the field and road) for the 300 foot field length. The high tunnel was installed as part of a grant awarded through the Natural Resources Conservation Service (NRCS) in 2025. The high tunnel location was selected by the NRCS as their rules require that the high tunnel be placed in a location where [REDACTED] has previously cropped. Access to irrigation was also a determining factor in the NRCS high tunnel location.

The structure is a high tunnel measuring 20’ (W) by 30’ (L). This high tunnel is used exclusively for agricultural production and supports soil conservation, season extension, and local food production. All of these align with the objectives of both the NRCS program and

Pennsylvania's agricultural preservation policies. The high tunnel is not a permanent structure, does not require a foundation and is integral to ongoing agricultural use of the land.

The current NRCS approved placement of the high tunnel represents the most practical and least intrusive location for continued farming operations. The local 85-foot setback requirement presents a substantial and unreasonable limitation on normal agricultural operations. The ordinance does not account for the unique nature of temporary agricultural structures, nor the state-level protections afforded farms enrolled in an Agricultural Security Area.

Pursuant to Pennsylvania's Right to Farm Act (3 P.S 951-957) and related Acre Law protections, local ordinances may not unreasonably restrict or regulate normal agricultural operations, including structures and practices that are customary, necessary and directed related agricultural production. High tunnels have been consistently recognized as agricultural structures and conservation tools, particularly when approved by NRCS. This high tunnel allows me to extend my growing season and protect / produce my high-end flowers.

Grant approval from NRCS was obtained prior to installation, and the structure was placed in good faith to meet federal conservation and agricultural requirements. Relocation of the high tunnel would result in undue financial burden and could jeopardize compliance with the terms of the NRCS grant.

Given the agricultural nature of the structure, the ASA designation of the land, and the public benefit of supporting active farming operations, I respectfully request consideration for an exemption or variance from the local 85-foot setback requirement.

Thank you for your time and consideration of this request. Please feel free to contact me should you require any additional information or documentation.

Sincerely,

[Redacted signature block]

[Redacted signature block]