

March 2, 2026

Mr. Jeffrey A. Catri, Esq.  
Assistant Prosecutor  
Hocking County  
88 S. Market Street  
Logan, OH 4313

**RE:** Hocking County Short-Term Rental Ordinance Draft dated December 2, 2025

Dear Mr. Catri:

This firm represents the Hocking Hills Lodging Owners Association. This correspondence follows up our conversation regarding the proposed Hocking County Short-Term Rental Ordinance (the "Ordinance"). On February 12, 2026, the Hocking County Zoning Commission ("Zoning Commission") recommended adoption of the Ordinance, along with 4 other ordinances, to the Hocking County Commissioners ("Commissioners"). This letter focuses on the Ordinance, but many of the concepts discussed herein also apply to the Noise Ordinance, Special Event Ordinance, Impact Fee Ordinance, and Site Standards Ordinance that the Zoning Commission discussed and recommended adoption of to the Commissioners at the February 12<sup>th</sup> meeting.

### **SUMMARY OF STR ORDINANCE**

The Ordinance proposes to promote public health, safety, and welfare by regulating short-term rentals ("STRs") in Hocking County. The Ordinance then is divided into 5 substantive categories as follows:

1. Registration & Permit Requirements
2. Operational Standards
3. Variance Process
4. Administration
5. Inspections and Enforcement

Overall, the Ordinance proposes to regulate STRs by: (i) creating a scheme for permitting and registering STRs, (ii) controlling property uses in connection with STRs, similar to the way a zoning code would regulate property uses, (iii) creating a scheme for a variance process, similar to obtaining a zoning variance, (iv) creating a new type of review board that appears to report to

the Commissioners, and (v) instituting a requirement for property owners to retroactively comply with the ordinance.

## ANALYSIS OF STR ORDINANCE

### **I. Relevant Ohio Law**

It is important to note at the outset that Hocking County does not have home-rule powers akin to a municipality or a “home-rule” county. It is a non-charter county. Therefore, the source and extent of the power of the Commissioners is solely statutory. *State ex rel. Bushnell v. Bd. of Commrs.*, 107 Ohio St. 465, 470 (1923). A more modern and directly applicable Supreme Court of Ohio decision, *Geauga Cty. Bd. of Commrs. v. Munn Rd. Sand & Gravel*, 67 Ohio St.3d 579, 583 (1993), invalidated a county ordinance by noting that:

The method for determining whether a particular power is within the authority of a political subdivision is completely different for a non-charter county than it is for a municipality. A county is presumed *not to have authority* to regulate in a particular area, unless a statute affirmatively authorizes the regulation. For a municipality, however, the presumption is *in favor of* the authority to regulate. No specific grant of authority from the General Assembly is necessary.

Thus, a non-charter county must have a specific statutory grant of authority from the General Assembly before it has power to regulate.

As a result, it is important to examine provisions in Ohio law that Hocking County has publicly relied upon when drafting the Ordinance and then determine which of the components of the Ordinance have been authorized by specific grants of authority by the General Assembly.

#### ***1. Revised Code Chapter 303***

Counties are permitted to regulate land uses through county rural zoning processes set forth in R.C. Chapter 303. To name a couple of statutory requirements from Chapter 303, R.C. 303.02 specifically states that a board of county commissioners may only regulate land use in accordance with a comprehensive plan. It is also important to note that R.C. 303.11 requires a zoning resolution to be submitted to the electors for a vote and approval.

#### ***2. Revised Code Chapter 711***

The Zoning Commission specifically cited R.C. Chapter 711 as its authority for enacting the Ordinance. It is true that the Commissioners may adopt general rules governing plats and subdivisions of land within its jurisdiction under R.C. 711.05. However, it is important to note that

the purpose of a plat is to subdivide and sell property. It is not a device to regulate land use. *Ketchel v. Bainbridge Twp.*, 52 Ohio St.3d 239, 241 (1990).

## II. Evaluation of Provisions in Ordinance

In light of this relevant Ohio Law regarding regulation of land use within a county, we have reviewed the Ordinance and offer the following comments.

**Section 3: Registration and Permit Requirements** – The Commissioners do not have statutory authority to institute a registration or permitting scheme targeted at one type of use within the county. Even if the Commissioners instituted a comprehensive plan for Hocking County in accordance with R.C. Chapter 303, the Commissioners would only be permitted to regulate the items specified in R.C. 303.02.

**Section 4: Operational Standards** – The Commissioners do not have statutory authority to institute these types of regulations as they go beyond the regulation of land use. It may be possible for the Commissioners to regulate, in accordance with county-wide standards and in connection with a new subdivision of land, rules relating to access of firefighting apparatus, and relating to the avoidance of congestion of population. Similarly, the Commissioners could regulate certain type of uses through county-wide zoning enacted in accordance with the statutory requirements.

**Section 5: Variance Process** – The Commissioners do not have statutory authority to institute a variance process specific to STRs. Instead, the Commissioners would need to institute a comprehensive zoning code for the entire county providing the same. Then, a board of zoning appeals would need to be formed pursuant to R.C. 303.13.

**Section 6: Administration** – The Commissioners do not have statutory authority to implement a board outside of the board of zoning appeals under R.C. 303.13 in connection with a comprehensive zoning plan.

**Section 7: Inspections and Enforcement** – The Commissioners do not have the statutory authority to enforce regulations that they did not have the statutory authority to implement.

## III. Conclusion

In conclusion, we are of the opinion that the County may only regulate building and land use through a comprehensive zoning plan which has been implemented through the statutory process prescribed in R.C. Chapter 303. If the County were to implement such a zoning plan, then the usage of land for residence could be regulated through uniform regulations in accordance with R.C. 303.02.

We also are of the opinion that the County has the right to adopt general rules governing *new* plats and subdivisions of land in accordance with R.C. Chapter 711.

These types of regulation would need to be applied on a prospective basis and not be retroactive.

Unfortunately, the Ordinance is neither authorized by R.C. Chapter 303 nor by R.C. Chapter 711. As a result of its component parts not being expressly authorized by the General Assembly, it violates key tenets of Ohio local government law.

We welcome the opportunity to discuss this matter with you.

Sincerely,



Steve Tugend



Erica Kaple

SET/EK/bjs