

COURT OF APPEALS OF OREGON

Mark Hutto and Andrea Hutto v. Jackson County

346 Or. App. 127 (2025) · No. A188270 · Decided December 30, 2025

SUMMARY

The Oregon Court of Appeals affirmed a Land Use Board of Appeals decision upholding Jackson County’s approval of a temporary forest labor camp permit, including an expiration date and wildfire mitigation conditions. The court held that the county properly processed the application as a Type 1, nondiscretionary use, did not violate the statutory goalpost rule, and that LUBA did not abuse its discretion by denying motions to supplement the record. The opinion is designated a nonprecedential memorandum opinion.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Hellman, J.; Ortega, Presiding Judge; Joyce, Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	December 30, 2025
DOCKET	A188270
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners sought judicial review of a final opinion and order of the Land Use Board of Appeals affirming Jackson County's approval, with conditions, of petitioners' temporary forest labor camp permit.
STANDARD OF REVIEW	The court reviewed LUBA's decision to determine whether it was unlawful in substance or procedure under ORS 197.850(9)(a). A decision is unlawful in substance if it represents a mistaken interpretation of applicable law. The court reviewed LUBA's denial of motions to supplement the record for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mark Hutto, Andrea Hutto v. Jackson County

TOPICS

- judicial review of agency action
- zoning
- administrative law
- appellate procedure
- real estate

PRACTICE AREAS

land use

administrative law

appellate procedure

environmental and wildfire regulation

QUESTIONS PRESENTED

1. Whether Jackson County improperly exercised discretion while processing petitioners' temporary forest labor camp application as a Type 1, ministerial use rather than a Type 2, discretionary use.
2. Whether the county violated ORS 215.427(3)'s goalpost rule by imposing wildfire-mitigation requirements without proper notice or by applying standards not in effect when the application was submitted.
3. Whether LUBA abused its discretion by denying petitioners' motions to supplement the administrative record.

HOLDINGS

1. The county did not improperly exercise discretion. It properly processed the temporary forest labor camp application as a Type 1 use because the permit expiration date was based on petitioners' own evidence concerning the end of their logging operation, and the other challenged actions did not constitute discretionary decision-making.
2. The county did not violate ORS 215.427(3) by imposing wildfire-mitigation requirements because the requirements were mandatory for structures in mapped wildfire-hazard areas and the applicable standards were in effect when petitioners submitted their application.
3. LUBA did not abuse its discretion in denying petitioners' motions to supplement the record.

KEY QUOTATIONS

“We review LUBA’s decision to determine whether it is “unlawful in substance or procedure.”” (129)

“Most importantly, however, in analyzing whether the county properly processed the application as a Type 1 ministerial permit, we focus on what the county did with the evidence provided to it.” (131)

“Having reviewed the briefs, record, and LUBA’s opinion, we conclude that LUBA did not abuse its discretion when it denied petitioners’ motions to supplement the record.” (133)

FACTUAL BACKGROUND

Petitioners owned a 40-acre parcel zoned Woodland Resource and located in an area mapped for wildfire hazard, with numerous structures on the property. They applied for a temporary forest labor camp permit in connection with a salvage logging operation represented to run through December 31, 2024. Jackson County approved the permit after remand, making it expire on that date and imposing mandatory wildfire-mitigation measures; LUBA affirmed.

PROCEDURAL HISTORY

Jackson County initially summarily denied petitioners' temporary forest labor camp application. After that denial was appealed to LUBA, the parties stipulated to a voluntary remand for reconsideration. On remand, the county

approved the application with an expiration date and wildfire-mitigation conditions; LUBA affirmed, and the Oregon Court of Appeals affirmed LUBA.

DISPOSITION

affirmed

CASES CITED

- Kine v. Deschutes County, 313 Or. App. 370, 372, 496 P.3d 1136, rev. den., 369 Or. 69 (2021)

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