

Doc # 2007168546  
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Date: 12/20/2007 02:00P  
Filed by: EUGENE P. GREER  
Filed & Recorded in Official Records  
of SKAMANIA COUNTY  
SKAMANIA COUNTY AUDITOR  
J MICHAEL GARVISON  
Fee: \$44.00

**WHEN RECORDED RETURN TO:**

Eugene P. Greer

11590 SW Ridgecrest Dr.

Beaverton, OR 97008

**DOCUMENT TITLE**

**Item 1 – Clark County/Washougal motocross use Stipulation**

**REFERENCE NUMBER(S)** of Documents assigned or released:  
Please file document with title for recorded parcels noted below:

**Parcel 1** – Book 172, Page 227, filed for Record in Skamania County WA Dec. 29, 1997

**Parcel 2** – Book 214, Page 637, filed for record in Skamania County, WA Sept. 11, 2001

**GRANTOR(S):**

Ralph Huffman, Washougal motocross and Clark County, Washington

[ x ] Additional names on page 4 of document.

**GRANTEE(S):**

Eugene and Suzanne Greer or assigns

**LEGAL DESCRIPTIONS** (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

**Parcel 1** – The south half of the North 3/8 of the Southwest quarter of the Northwest quarter of Section 30, township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

Together with an easement for access road over the south 15 feet of the north 1/2 of the north 3/8 of the southwest quarter of the northwest north 1/2 of the north 3/8 of the southwest quarter of the northwest quarter of Section 30, Township 2 North, Range 5 east of the Willamette Meridian, Skamania County, Washington

**Parcel 2** – The North half of the North 3/8 of the Southwest quarter of the Northwest quarter of Section 30 Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

Together with an easement for access road over the North 15 feet of the South 1/2 of the North 3/8 of the Southwest quarter of the Northwest quarter of Section 30, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington.

**TAX PARCEL NUMBER(S):**

**Parcel 1** – 02-05-30-0-0-0900

**Parcel 2** – 02-05-30-0-0-0800

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

re: Greer  
parcels  
2-5-30-900  
and  
2-5-30-800

Item 1 - Clark County/Washougal  
motocross use stipulation

ps.1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

EUGENE GREER, an Oregon resident, and ) Case No.: 04 2 01084 9  
JIM TASKA, a Washington resident, ) STIPULATION

Plaintiff,  
vs.

CLARK COUNTY, a political subdivision of )  
the State of Washington; Washougal )  
Motocross, LLC, a Washington limited )  
liability corporation; MOSS & ASSOCIATES, )  
a Washington Corporation )

Defendant

**COPY  
ORIGINAL FILED**

**JUN 06 2007**

Sherry W. Parker, Clerk, Clark Co.

THIS IS A STIPULATION by and between Washougal Motocross, LLC, (hereinafter  
"MX", Eugene Greer, and Clark County. These parties agree as follows:

1. That off-road vehicle riding and racing are legally established, prior  
nonconforming uses at the Washougal MX site, which is described as follows:

In Clark County, State of Washington, in Section 25, Township 2 North, Range 4 East of  
the Willamette Meridian, the following property as identified, described and shown in  
attached Exhibit A, which also includes the following tax serial numbers from the records  
of the Clark County Assessor: 141071000, 141072000, 141073000, 141075000,  
141074000, 141053000, 141124000, 141123000, 141105000, 141083000, 141084000,

STIPULATION - page 1

**COPY**

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James L. Sellers, Attorney at Law  
PO Box 61535, 415 East Mill Plain Blvd  
Vancouver, WA 98666 360.695.0464

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Item 1  
"Clark County"  
was hauled  
not across  
site  
stipulation

1 141085000, 141122000, 141086000, 141087000, 141088000, 141089000, 141090000,  
2 141091000, 141092000, 141093000, 141094000, 141095000, 141096000, 141097000, A  
3 141098000, 141099000, 141100000, 141101000, 141102000, 141103000, 141104000. A  
list of the tax parcel numbers and acreages are attached as Exhibit B.

4 2. That the legally established prior nonconforming uses include, in addition to off-  
5 road vehicle riding and racing, private events, occasional customer appreciation days, employee  
6 events and the like, and the filming of commercial videos.

7 3. That the scope of the lawfully established prior nonconforming use includes  
8 administrative, management and maintenance activities, parking and camping associated with the  
9 foregoing activities, and related display and sale of products associated with those activities, and  
10 common daily consumer needs of spectators and participants. The nonconforming use also  
11 includes use of a public address system. This specification does not address every possible  
12 aspect of the nonconforming use; just because something is not mentioned does not mean it is  
13 not part of the nonconforming use.

14 4. That the lawfully established prior nonconforming uses include meandering track  
15 pathways (as opposed to concentrated areas of tracks such as the main track) that have been used  
16 for riding off-road vehicles throughout the site. The nonconforming use includes trails that were  
17 regularly "rested and rotated", although not continuously used at all times. However, the parties  
18 stipulate that the nonconforming right does not include operation of a 4X4 track, and 4X4  
19 practices or 4X4 races on the property. This limitation is not intended to prevent WMX from  
20 submitting application to Clark County for regulatory approvals to conduct such activities.

21 5. That the geographical scope of the lawfully established prior nonconforming use  
22 constitutes the entirety of the approximately 220 acres comprising the WMX site, except as  
23 provided above.

24 STIPULATION – page 2

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6. That these uses were conforming uses under Clark County's Zoning laws until January 1, 1995, at which time they became lawfully established prior nonconforming uses.

7. The approximately 200-acre property on which Washougal MX is located is a "facility" for the purposes of WAC 173-60-050(3)(g). Process, events and activities occurred in established areas throughout the site prior to September, 1975. The "established area" or purposes of that WAC is the whole Washougal MX site. All noise from sanctioned racing events anywhere on the site is exempt from WAC 173-60-040. The noise exemption applies to all noise produced during a racing event (including practice races), not just vehicle noise. The referenced racing events were "sanctioned" by a "recognized" organization prior to September, 1975. Recognized organizations were the American Motorcyclist Association (AMA) and the Continental Motorcycle Association (CMC).

8. That notwithstanding the foregoing, MX agrees to comply with the following requirements, except as those requirements are modified at the request of MX pursuant to a condition imposed in the approval of an application for a land use approval requested by MX:

(a) At least 60 days prior to any Nationals event, including associated race activities in the week preceding (all of which are hereinafter referred to as "Nationals"), MX agrees to submit a transportation plan for Nationals to the Clark County Community Development Department, or any changes proposed to the previous year's plan. At the request of either the County or MX, the County and MX shall meet at reasonable times and places at least 45 days prior to the event to answer questions regarding the plan and to discuss any modifications that either desire to the plan, and whether or how MX and the County will meet any reasonable requests for modifications to the plan. The plan shall include analysis as to the level of traffic control if any, needed based on the anticipated event size. A security plan shall be submitted by MX for the Nationals event, except that the plan shall be also submitted to the Clark County Sheriff.

(b) At least 30 days prior to any Nationals event, an event plan, and a plan to provide fire apparatus access, shall be submitted for review to the Fire Marshal.

(c) MX agrees to reimburse the Fire Marshal for the actual cost of staff time spent reviewing, inspecting, or patrolling Nationals outside of normal working hours to include

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overtime, standby and travel time to and from the event. Supporting documentation for the Fire Marshall claim for reimbursement shall be furnished the MX upon request.

(d) MX agrees to reimburse the Sheriff in accordance with an agreement between MX and the Sheriff for the services provided by the Sheriff for Nationals.

(e) At Nationals, alcoholic beverages shall not be permitted outside of a beer garden.

(f) The event plan shall indicate specific camping areas for RV camping and tent camping. The event plan shall indicate specific areas to be used for parking including proposed parking layout and access roads in parking areas.

(g) Drainfield areas shall continue to be protected from vehicles driving or parking in these areas.

(h) The applicant shall make a diligent good faith effort to maintain the Nationals site to minimize the generation of fugitive dust emissions, such as by using water or other fluids on access roads, tracks, parking areas and campgrounds.

(i) Races and practice races, including grand prix races and practice races, may be held on a total of not more than 80 days per year.

(j) Grand Prix practices and races shall be limited to four such events per year.

(k) Washougal MX is currently subject to a Habitat Permit, Permit No. HAB 2003-00081 (Washougal Motocross), which shall continue to be applicable to the operation of Washougal MX unless and until the permit is changed, altered, amended, superceded, or extinguished, in the manner provided by law.

9. Eugene Greer agrees to dismiss this action by order of the Court consented to by the parties hereto, which shall be entered immediately upon this stipulation.

IT IS SO STIPULATED:

WASHOUGAL MX:

by: Ralph E Huffman

Eugene Greer  
Eugene Greer 6-6-07

CLARK COUNTY:

by: [Signature]  
Rep Pro, Alley

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Item 1-

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