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COMPLAINT: CO-OP AND COLLEGE SHARE ZONING VIOLATIONS

Tribune and Moscow-Pullman Daily News

MOSCOW -- Two alumni of New Saint Andrews College have filed a complaint alleging the Moscow Food Co-op is in violation of the same zoning regulations that were the basis of a recent ruling against the college by the Moscow Zoning Board of Adjustment.

The board of adjustment ruled Thursday city code prohibits New Saint Andrews College from operating downtown.

In filing the complaint against the Moscow Co-op, Aaron Rench and Nathan Wilson want to bring to light the inequitable treatment New Saint Andrews is receiving, according to a press release from the two.

Rench and Wilson point out the city code distinguishes between retail operations, which are specifically permitted in the central business district, and grocery stores, which are mentioned only as a use in the motor business district.

"I like the Co-op," Wilson said in a press release Tuesday. "And I'm all for them moving into the Central Business District. In fact, I hope the city decides in their favor on this complaint."

Wilson, a teacher at New Saint Andrews College and the son of Doug Wilson, pastor of Christ Church in Moscow, adds, "The reason we're doing this is because those people who would like to see (New Saint Andrews) ousted from downtown also seem to be big fans of the Co-op's move. But the odd logic that would exclude (New Saint Andrews) would also exclude the Co-op."

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Rench also perceives the hypocrisy in the zoning board's ruling.

"We'd like to see people admit their motives. They want to insist on an oddly wooden interpretation of the code when it comes to a Christian college, so they can push it out, but then bend and waffle fudge on the same logic when it comes to something they want.

"The Co-op belongs downtown. We hope that's obvious. But so does (New Saint Andrews). Both contribute to the local economy, and both find themselves in almost exactly the same zoning situation."

Zoning board Chairman Evan Holmes said Thursday's decision is not a referendum against the city's only Christian college.

"This is not about anyone's opinions about New Saint Andrews' curriculum, politics ... or anything like that," Holmes said. "Our zoning administrator is given the latitude to interpret the code until some citizen comes out and says 'no, I think you've exceeded those bounds.' I always have to side with the public. This does need to go through a more rigorous process."

City Attorney Randy Fife said New Saint Andrews could be forced to cease operations downtown if the order stands, but said it is unlikely.

"A number of things can happen from here," Fife said. "New Saint Andrews can appeal to the city council, and that decision can be appealed to District Court. Someone could propose to change the zoning code to allow that use in the central business district or allow it as a conditional use. Those are the most likely outcomes."

Local residents Charles Nolan, Joseph Hansen and Dustin Bauer filed a complaint in January that claimed the college's operations were in violation of the city's zoning code, because schools and educational institutions are not listed as allowable uses in the central business district.

Moscow Community Development Director Joel Plaskon ruled about a month ago that the college is allowed downtown, and his order was appealed by the complainants to the board of adjustment.

According to the zoning code, churches, synagogues, libraries, museums, trade schools, public gathering places, police and fire stations, restaurants, cafes and similar public and private institutions are allowed in the central business district.

Plaskon said schools and educational institutions are not "explicitly listed," but included as "similar public and private institutions."

Moscow lawyer Mike Curley, who represents the complainants, pointed to a section of city code that states uses not listed are prohibited.

"We're not here about whether New Saint Andrews should be downtown, whether they are a good neighbor or an asset to the community," he said. "We may all agree that schools and educational institutions should be allowed downtown. It can be done by amending the zoning code, but you (the board of adjustment) and I dare say Mr. Plaskon cannot do that. The city council has to hold two public hearings, where everybody gets a chance to speak ... apply for an amendment to the city code and we'll see what the public wants."

Holmes said it's irrelevant whether New Saint Andrews is a good or bad neighbor.

"Schools and educational institutions used to be listed as allowable uses and disappeared from the zoning code around 1998," Holmes said. "I don't think we can say or Joel can say whether that was an accident. We have to assume that was an intentional omission. I think there are enough questions here to warrant some kind of citizen review process."

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