

# Initiatives

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## New tolls would need voter approval

The oldest initiative still alive for the 2020 ballot, IP 10, would require that state and county voters approve new transportation fees or tolls if the projects don't represent "net new capacity" on the roads.

"Net new capacity" is defined as an expansion of transportation infrastructure that did not exist prior to Jan. 1, 2018 and has not been converted from a previous form of transportation infrastructure.

The initiative could hamper the state's plan to add tolls on I-5 and I-205.

Emails to chief petitioners Rep. Mike Nearman, R-Independence, and former state Rep. Julie Parrish of West Linn seeking comment were not returned by press time.

Both made social media posts earlier this year promoting IP 10 and indicating that the signature-gathering process was ongoing.

The campaign's political action committee has a little more than \$1,000 available, according to state campaign finance records.

## Legalizing administration of psilocybin

An effort that began in 2016, IP 34 would create a regulatory program that would allow for the legal administration of psilocybin for the treatment of mental illnesses.

Psilocybin is a psychoactive substance derived from fungus.

Chief petitioner Tom Eckert said they want to create a model that maintains the safety standards and practices seen in research that's more therapeutic in nature. He said the services wouldn't be based on qualifying conditions or diagnoses, but there would be screenings and licensed facilities.

Eckert said the campaign is going to focus on educating voters to the benefits of psilocybin treatment.

"Most people have someone close to them ... who struggles with mental health issues," he said. "We're focused on helping people understand the benefits of this therapy so the people who are suffering can get the relief that they need."

The campaign has nearly \$140,000 available, most of that coming from the Washington, D.C.-based New Approach PAC, which has a history supporting drug legalization and decriminalization efforts nationwide.

## Decriminalizing drug possession

IP 44 would seek to decriminalize the possession of most drugs and create more addiction and recovery services through excess tax revenue generated from the state's marijuana tax.

Applicants for funding would also be able to request more money for existing services through a committee process created in the initiative.

Oregon consistently ranks near last in the nation on access to behavioral health services.

"It's an initiative I believe in with my whole self," said Janie Gullickson, chief petitioner and executive director of The Mental Health and Addiction Association of Oregon. "It really responds to the addiction crisis in a way the state has not done yet."

State campaign finance records indicate the campaign is largely run through Drug Policy Action, the political arm of Drug Policy Alliance, which has generated more than \$350,000 in in-kind contributions. Most of that money is for "management services,"

"petition circulators" and surveys or polls.

Drug Policy Alliance is a nonprofit with the goal of ending the war on drugs through promoting a less punitive attitude toward drugs and addiction.

## Another attempt at gun reform

In addition, several high profile initiatives are still early in the process, including those dealing with gun control.

While still early in the process, a faith-based coalition is making another run at getting gun control measures on the ballot.

Lift Every Voice Oregon's primary initiative this cycle is IP 60, which would: restrict the private manufacture, sale, purchase, transfer or possession of magazines that hold more than 10 rounds of ammunition; implement several requirements before the purchase of an "assault-style" semi-automatic firearm; and raise the minimum purchasing age of a gun from 18 to 21.

Initiatives 61 and 62 were also introduced by the group, which separate the semi-automatic gun purchasing section from the large-capacity magazine section.

Pastor Mark Knutson of the Augustana Lutheran Church in Portland and a chief petitioner said gun violence is damaging the mental, emotional and spiritual health of young people in Oregon and across the country.

"It's not just the damage that guns do. It's also the pall that hangs over our schools, our malls, our places of worship," he said. "Young people are thinking about this."

Under IP 60, to purchase a semi-automatic "assault-style" firearm, a prospective purchaser would need to prove they: completed a firearms safety training course within the last four years; passed a criminal background check; and completed a five-day waiting period (or until the background check is complete).

Under current Oregon law, there is no waiting period and most background checks are instant and completed at the time of sale.

The group previously introduced a gun control initiative in 2018 shortly after the shooting at Stoneman Douglas High School in Parkland, Florida, but filed late in the cycle and were held up by a Supreme Court review, so were unable to meet the deadline for the November 2018 ballot.

They supported a pair of bills during the 2019 Oregon legislative session, but neither made it far.

So Knutson said they are returning to the initiative process to let voters decide directly and hopefully be a model for initiatives in other states.

Another gun-related initiative seeking the 2020 ballot that failed in the 2019 session is IP 40, or the Cindy Yuille and Steve Forsyth Act — named for the two people killed in the 2012 Clackamas Town Center shooting.

It would require that when a gun is not being carried, it is secured with either a trigger or cable lock or in a locked container. Firearms must be transferred while secured in a similar manner.

If a gun is not stored in the manner described and later stolen and used to injure a person or property within four years, the gun owner is held liable for that injury.

The measure would require that a gun owner report a lost or stolen firearm within 24 hours of when they knew or should have known about its absence.

The initiative is currently on appeal to the state Supreme Court.

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marketing and in March 2019 announced a new line of grills under the "Founders Series" brand, "brought to you proudly by Joe Traeger, the founder of the original pellet grill."

Traeger Pellet Grills sent cease and desist letters to Dansons concerning the use of Joe and Brian Traeger in marketing, according to court records, but did not receive a satisfactory response.

In July, Traeger Grills sued the Traeger family members and Dansons in Arizona, where it is based, and Florida alleging the use of their likenesses and names were in violation of the purchase agreements they signed when they sold the company in 2006.

In October, district court judges in Florida and Arizona issued preliminary injunctions, barring Dansons from using the Traegers in advertising, though Dansons had removed all social media posts that included Joe and Brian Traeger and the Traeger Barn from its social media Sept. 25 and 26.

In accordance with the settlement, the Traegers will be permanently enjoined from appearing in marketing, social media or advertisements in connection with the sales of wood pellet grills.

## Traeger Grills retains Traeger Barn image

The Traeger Barn has long been part of company lore.

# Appeal Tribune

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# Bees

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Oregon rules do not limit the number of colonies of bees on land zoned for agriculture, but do require anyone with five or more hives to register with the state and pay a fee of between \$10 and \$20.

Cities such as Albany, McMinnville and Molalla have rejected codes specifically allowing beekeeping, instead opting to deal with residential beekeeping if a problem arises.

Rodia said Portland, Springfield and St. Helens are considering beekeeping ordinances.

"Is there a buzz about this?" Marion County Commissioner Kevin Cameron said.

## Salem, Marion County adopt limits

In Marion County, the new ordinance will mostly impact those who live in East Salem, which is inside Salem's urban growth boundary, like Lindquester's property.

"It really only affects the small, residential lots in Salem," Marion County planning director Joe Fennimore said. "There's a few, there's like 13 lots in Woodburn or Silverton and maybe 20 in the other jurisdictions. It's primarily in Salem."

"Honestly, there's not going to be very many out there."

Rodia said Salem had rules related to commercial beekeeping for around 40 years, but those rules were misinterpreted for years as not allowing residential beekeeping.

The Willamette Valley Beekeepers Association tended to a couple hives at the Governor's Mansion until the past few years.

"There's always been people keeping bees in Salem and in the outskirts," said Richard Farrier, president of Willamette Valley Beekeepers.

"A lot of these people never knew. One guy, he talked about having bees in the city and no one ever knew. He never had a sign out there saying 'honey for sale.'"

In June, Salem changed its code to allow up to five hives at homes in residential areas, though the rules didn't take effect until late July.

The number of hives allowed rises to

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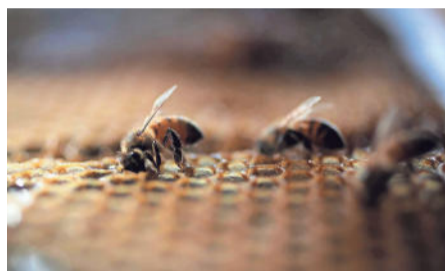
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**Honeybees** JOE RAEDLE, GETTY IMAGES

seven from April through August to accommodate the formation of additional hives through splitting of existing ones.

Marion County prohibited beekeeping in residential areas until Oct. 30, when the commissioners voted to remove that, but didn't adopt standards until Dec. 18.

In Marion County, lots up to 5,000 square feet will be allowed to have one hive, those between 5,001 feet and 20,000 feet are allowed to have three and lots larger than 20,000 feet can have five hives.

Each of those limits also rise by two from April through August.

Under the new Salem and Marion County codes, beehives can be kept at home, a community garden, school-owned property or property owned by a government agency or religious organization, in accordance with the recommendations from Oregon State University.

Hives must be located 25 feet from a property line or have a barrier 6 feet high parallel to the property line or be elevated 10 feet above ground, such as on a rooftop.

For beekeeping advocates, the new rules are seen generally as a necessary evil.

"That makes them comfortable, they adopted rules," Rodia said. "That's great. We agree in good practice. We just don't agree on having limits of hives."

Added Lindquester: "First of all, we typically recommend that beekeepers start out with two hives," pointing to the Marion County limit of one hive on smaller lots. "You're going to have them help each other. There is a problem with beehives being able to survive from year to year."

"When you put a lot of restrictions on beekeeping, it doesn't really help the species or the responsible beekeepers."

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# Traeger

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Traeger name, barn or likenesses to confuse consumers or promote other grills as if they were genuine Traegers."

## Building and selling a BBQ brand

Joe Traeger had worked in heating when he invented one that could use wood pellets made of compressed sawdust as fuel.

After building the first grill that used wood pellets for fuel in 1985, Traeger sold his first unit in 1988 and the fledgling company rapidly expanded.

According to court documents, the Traeger family sold the company, as well as the use of their names and images, to a Florida venture capitalist for \$12.4 million in 2006.

Traeger Grills was sold again in 2014 to private equity firm Trilantic Capital Partners and the company moved its headquarters to Utah in 2015.

In 2018, Joe and Brian Traeger went to work for Dansons, a rival company based in Arizona that sells pellet smokers under the Louisiana Grills and Pit Boss brands, as independent contractors, according to the court filings.

Dansons announced their employment in September 2018 in company

The buildings, which include the barn, silo and feed houses on Humpert Lane in Mt. Angel, were formerly used as part of the Mt. Angel Abbey's dairy operation, but had been dormant since the 1960s.

In 1982, Joe Traeger approached the abbey about the barn and leased it for the manufacturing site for what would become Traeger Pellet Grills.

On the front of the white building, the name "TRAEGER" was spelled out in black letters.

Traeger Pellet Grills often used images of the barn in advertising, but after the company moved its headquarters to Utah largely was unused.

Dansons alleged that Traeger Grills didn't use the Traeger Barn in marketing for at least three years prior to Dansons first using it on March 16, 2019.

According to court documents, Dansons took over the lease of the barn and spent over \$200,000 renovating it in the past few years.

In August, the "TRAEGER" lettering was removed from the front of the barn.

Joe Traeger took part in a promotional Sept. 14 event at the barn in conjunction with Mt. Angel Oktoberfest.

In accordance with the settlement, Dansons will no longer be able to use images of the Traeger Barn or the barn's silhouette in its marketing. And the Traegers will not be able to make public appearances, such as the one in Sep-

tember, that demonstrate a connection with a Dansons.

## Arizona and Utah lawsuits ongoing

Though Traeger Grills settled its lawsuit in Florida and aspects of its suit in Arizona, the rest of the Arizona suit — which centers around Dansons copying Traeger's designs — continues to move forward.

That lawsuit also alleges Silverton resident George Koster stole trade secrets when he left the employ of Traeger Pellet Grills in 2015 to work for Dansons in 2017 and was involved in the design of a new vertical smoker similar to one he helped design for Traegers.

The deadline for discovery in that case is Sept. 11, 2020, settlement talks must be completed by Dec. 1, 2020 and depositions must be completed by Jan. 15, 2021, but a trial date has not been set.

A separate proposed class action suit was filed against Traeger Pellet Grills in October in Utah has been amended to add another defendant, Norman L. Jones of Provo, Utah.

That suit alleges the company uses less-expensive types of wood in the pellets it sells under the Traeger brand, but favors the less expensive wood by using oils.

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