



# MEDFORD

## BUILDING SAFETY

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## **BUILDING SAFETY DEPARTMENT POLICY** **ENGINEERED RESIDENTIAL FOUNDATIONS**

September 11, 2014

### **Background:**

In 1991, due to recurring problems with foundations in areas of moderate slopes and expansive clay soils, the City of Medford Building Safety Department, based on the Oregon One and Two Family Dwelling Code began requiring a soil investigation and Foundation engineering for every new residence or addition to an existing residence in certain areas.

### **Policy:**

In those locations designated below, every application for a permit to construct a new residence or new addition to an existing residence must include with it's permit application a foundation design prepared by an Oregon Licensed Engineer. The design must include provisions to safeguard against damage due to soil expansion.

### **Location:**

Presently, this policy applies to all development within the city limits, located ***East of Foothills Rd / N. Phoenix Road***. However, this policy may be expanded to include any other locations within the city when the building official has determined that it is warranted, based on scientific or historic data.

### **Recording:**

Oregon Revised Statute 455.440, reprinted here, requires recording with the County Clerk, of a report that identifies the presence of "highly expansive soil".

**455.440 When site soil analysis required; filing of report and notice; duty of transferor of property; effect of failure to comply.** (1) If a city, county or government agency requires a site soil analysis and site recommendation report as a condition of approval for issuance of a building permit for a residence for human habitation, and the analysis and report identify the presence of highly expansive soils, then prior to issuance of the building permit the

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city, county or government agency shall:

- (a) Include a copy of that report with the construction plans filed with the building permit issuing agency; and
- (b) Record, in the County Clerk Lien Record in the county in which the property is located, a notice containing:
  - (A) The legal description of the property; and

(B) An informational notice in substantially the following form:

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This property has been identified as having highly expansive soils. This condition may create special maintenance requirements. Before signing or accepting any instrument transferring title, persons acquiring title should check with the appropriate planning or building department.

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(2) No action may be maintained against a city, county or government agency for failing to meet the requirements of subsections (1) and (2) of this section.

(3) If a report described in subsections (1) and (2) of this section identifies the presence of highly expansive soils, the first transferor shall supply to the first transferee written suggestions for care and maintenance of the residence to address problems associated with highly expansive soils.

(4) If the first transferor violates the provisions of subsection (3) of this section, the first transferee shall have a cause of action to recover damages of \$750 from the first transferor. The court may award reasonable attorney fees to the prevailing party in an action under this section. [1989 c.1026 ss.1,2,3; 1995 c.618 s.71]

**Note:** 455.440 and 455.445 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.