



BUILDING SAFETY DEPARTMENT
www.ci.medford.or.us

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2350
FAX (541) 618-1707
E-MAIL: building@cityofmedford.org

BUILDING SAFETY DEPARTMENT POLICY **REQUIRING GEOTECHNICAL INVESTIGATION**

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 geotechnical (soil) investigation for every new residence or addition to an existing residence in certain areas.

Due to changes in zoning, commercial development has increased necessitating the inclusion of commercial developments in this policy in accordance with ORS 455.440 and Section 1803.5 of the Oregon Structural Specialty Code.

Policy:

In those locations designated below, every application for a permit to construct a new building or new addition to an existing building must include with its permit application a geotechnical report prepared by an Oregon-licensed geotechnical engineer. The report shall include provisions to safeguard damage due to soil expansion if expansive soils are present. Foundations shall be installed in accordance with recommendations provided in the geotechnical report.

The City of Medford Hillside Ordinance shall be referenced to determine if Geotechnical and Geology reports are required in accordance with The City of Medford Municipal Code, Sections 10.929 to 10.933.

Location:

Presently, this policy applies to all development within the city limits, located ***East of Foothills Road and 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 Statue (ORS) 455.440 requires recording with County Clerk, of a report that identifies the presence of "highly expansive soil"; ORS 455.440 is reprinted below:

455.440 When site soil analysis required; filing 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 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, with 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:

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, person acquiring title should check with the appropriate planning or building department.

(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 be 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 part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.