



Joe Lombardo
Governor

NEVADA HEALTH AUTHORITY
HEALTH CARE PURCHASING AND COMPLIANCE DIVISION

NVHA.NV.GOV



Stacie Weeks
Director

Todd Rich
Administrator

NOTICE OF PUBLIC HEARING

Daryl Jenkins, 7500 COBAL CANYON LN, LAS VEGAS, NV 89129, IS REQUESTING A VARIANCE, CASE #793, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT Daryl Jenkins, 7500 Cobal Canyon Ln, Las Vegas, NV 89129, has requested a variance from Nevada Administrative Code (NAC) 444.790.

A public hearing will be conducted on September 5, 2025, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online and at physical locations, listed below.

Physical Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)
Hearing Room No. 303, 3rd Floor
4150 Technology Way; Carson City, Nevada 89706

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjVmMTM4MTQtMmYyOC00NmVjLTg4NWQtOTVlZWU1MzUyZGZl%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join by Phone:

1-775-321-6111
Phone Conference ID Number: 402 212 427#

Daryl Jenkins, 7500 Cobal Canyon Ln, Las Vegas, NV 89129, is requesting a variance from NAC 444.790, which states:

NAC 444.790 Lot size. (NRS 439.200, 444.650)

1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.

2. For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum area of 1/4 acre (10,890 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of 1/2 acre (21,780 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

[Bd. of Health, Indiv. Sewage Disposal Systems Reg. Note, eff. 1962; A and numbered as §§ 7.1-7.3, 11-23-72]—(NAC A 10-22-93; R129-98, 3-25-99; R100-07, 10-31-2007)

Applicant has requested a variance for Parcel #004-175-04 at 742 River Ave., Yerington, NV 89447. The parcel is a part of a tentative map that was approved before January 1, 2000. The parcel size is 0.23 acres. Applicant has requested the variance to proceed with their application for an Onsite Sewage Disposal System permit to construct.

The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>



Joe Lombardo
Governor

NEVADA HEALTH AUTHORITY
HEALTH CARE PURCHASING AND COMPLIANCE DIVISION

NVHA.NV.GOV



Stacie Weeks
Director

Todd Rich
Administrator

MEMORANDUM

DATE: August 12, 2025

TO: John Pennell, Chair
State Board of Health

FROM: Todd Rich, Administrator
Nevada Health Authority

RE: Case # 793, Daryl Jenkins

Regulation:

Nevada Administrative Code (NAC) 444.790 states as follows:

1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.
2. For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum area of 1/4 acre (10,890 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.
3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of 1/2 acre (21,780 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

See, NAC 444.790.

Staff Review:

On July 28, 2025, Daryl Jenkins submitted a request for a variance from the requirements of NAC 444.790 for the lot size requirements for the installation of a sewage disposal system. Applicant is requesting approval to allow the installation of the system at 742 River Ave., Yerington, NV 89447 parcel #004-175-04. The lot is a part of a tentative map that was approved before January 1, 2000. The lot size is 0.23 acres.

Degree of risk to public health or safety:

There is little to no risk to the public health in allowing the Applicant to proceed with the permitting process to construct either an Onsite Sewage Disposal System or Individual Sewage Disposal System from which the Applicant must demonstrate compliance to either NAC 445A or NAC 444. In addition, surrounding properties with the same acreage or lot sizes are on sewage disposal (septic) systems.

Exceptional and undue hardship:

After review, staff have determined Applicant has demonstrated exceptional and undue hardship because the applicant has stated the property was purchased with the intent of improving. The strict application of the NAC 444.790 regulation would render the property unusable as it would prevent the Applicant from proceeding with the design, construction, and permitting process for either an Onsite Sewage Disposal System or Individual Sewage Disposal System at 742 River Ave., Yerington, NV 89447 parcel #004-175-04.

Intent of Regulations:

The intent of NAC 444.790 aims to ensure proper compliance with health standards and the safe management of sewage disposal systems in Nevada.

Staff Recommendation

DPBH staff recommend the State Board of Health **approve** Case # 793, Daryl Jenkins, variance to NAC 444.790. This recommendation only addresses the applicant to start the permitting process. The Applicant will be required to submit an application to construct an Onsite Sewage Disposal System or Individual Sewage Disposal System with either the Nevada Health Authority or Nevada Division of Environmental Protection. The application process will include a plan review and inspection of the proposed system to ensure compliance to all applicable regulations outline under NAC 445A for Onsite Sewage Disposal System or NAC 444 for Individual Sewage Disposal System.

Public Comments:

None received

Presenter:

Vincent Valiente, REHS
Environmental Health Specialist
Nevada Health Authority

Attachments:

None



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

☐

Division Administration
(NAC 439, 441A, 452, 453A, & 629)

☐

Health Care Quality & Compliance
(NAC 449, 457, 459 & 652)

☐

Child, Family & Community Wellness
(NAC 392, 394, 432A, 439, 441A, & 442)

☐

Office of State Epidemiology
(NAC 440, 450B, 452, 453, 453A, & 695C)

☒

Public Health & Clinical Services
(NAC 211, 444, 446, 447, 583, & 585)

Date: 7 / 2 5 / 2 5

Name of Applicant: Daryl Jenkins

Phone: 209-981-6593

Mailing Address: 7500 Cobal Canyon Ln.

City: Las Vegas State: NV Zip: 89129

We do hereby apply for a variance to
chapter/section NAC 444.790 of the Nevada
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in
question: Lot size

Statement of existing or proposed conditions in violation of the NAC:

I am requesting a variance for parcel #004-175-04 at 742 River Ave. Yerington, NV
89447. The existing condition in violation of the NAC is as follows. The above parcel is
said to be .23 acres which is just short of the .25 acres - the required minimum for septic.



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Date of initial operation (if existing): n/a

ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he/she/they suffers or will suffer economic hardship by complying with the regulation, they must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supporting your variance request.

Statement of degree of risk of
health

None. Many neighboring properties are smaller than the now required .25
acre minimum for septic. The county does not supply sewer to the neighborhood. All properties are on septic.



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

The property was purchased with the intent of improving it. The strict application of
the regulation would render the property unusable.

2. The variance, if granted, would not:

- A. Cause substantial detriment to the public welfare.

Many neighboring properties are smaller than the now required .25 acre minimum for
septic. The county does not supply sewer to the neighborhood. All properties are on
septic.

- B. Impair substantially the purpose of the regulation from which the application seeks a variance.
If granted, the variance will not impair the purpose of the regulation, for reasons stated
above.
-
-

- 1) Lot is .23 acre

- 2) Neighboring properties at same size have demonstrated no impairment to the
regulations.
-
-

The bureau may require the following supporting documents to be submitted with and as a part of this
application:

Specific Request:

Parcel 004-175-04

742 River Ave. Yerington, NV 89447



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

1. Legal description of property concerned
- _ 2. General area identification map
- _ 3. Plot map showing locations of all pertinent items and appurtenances
- _ 4. Well log (if applicable)
- _ 5. Applicable lab reports
- _ 6. Applicable engineering or construction/remodeling information
- _ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

☐ I am/we are requesting this variance request be placed on the next regularly scheduled Board of Health agenda. It is understood that I/we can attend in person at either physical location in Carson City or Las Vegas or we may attend virtual.

Signature: _____

Printed Name: Daryl Jenkins

Title: Trustee

Date: 7/25/25



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



NEVADA STATE BOARD OF HEALTH
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

**PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING
ANY OF THE FOLLOWING METHODS:**

MAIL TO:

Secretary, Nevada State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

FAX:

775-687-7570

EMAIL:

DPBH@health.nv.gov

StateBOH@health.nv.gov

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

☐

Division Administration
(NAC 439, 441A, 452, 453A, & 629)

☐

Health Care Quality & Compliance
(NAC 449, 457, 459 & 652)

☐

Child, Family & Community Wellness
(NAC 392, 394, 432A, 439, 441A, & 442)

☐

Health Statistics, Planning,
Epidemiology and Response
(NAC 440, 450B, 452, 453, 453A, & 695C)

☒

Public Health & Clinical Services
(NAC 211, 444, 446, 447, 583, & 585)

Date: 7/25/25

Name of Applicant: DARYL JENKINS

Phone: 209-981-6593

Mailing Address: 7500 COBAL CANYON LN.

City: LAS VEGAS

State: NV

Zip: 89129

We do hereby apply for a variance to
chapter/section

NAC 444.790

of the Nevada

Administrative Code (NAC). (For example: NAC 449.204)

Title of section in
question:

LOT SIZE

Statement of existing or proposed conditions in violation of the NAC:

I AM REQUESTING A VARIANCE FOR PARCEL #004-175-04 AT 742 RIVER AVE
YERINGTON, NV 89447. THE EXISTING CONDITION IN VIOLATION OF THE NAC
IS AS FOLLOWS. THE ABOVE PARCEL IS SAID TO BE .23 ACRES WHICH IS JUST
SHORT OF THE .25 ACRES - THE REQUIRED MINIMUM FOR SEPTIC.

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Date of initial operation (if existing): N/A.

ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.

Statement of degree of risk of
health

NONE. MANY NEIGHBORING PROPERTIES
ARE SMALLER THAN THE NOW REQUIRED .25 ACRE MINIMUM
FOR SEPTIC. THE COUNTY DOES NOT SUPPLY SEWER TO THE
NEIGHBORHOOD. ALL PROPERTIES ARE ON SEPTIC.

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

THE PROPERTY WAS PURCHASED WITH THE INTENT OF IMPROVING IT. THE STRICT APPLICATION OF THE REGULATION WOULD RENDER THE PROPERTY UNUSABLE.

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

MANY NEIGHBORING PROPERTIES ARE SMALLER THAN THE NOW REQUIRED .25 ACRE MINIMUM FOR SEPTIC. THE COUNTY DOES NOT SUPPLY SEWER TO THE NEIGHBORHOOD. ALL PROPERTIES ARE ON SEPTIC.

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

IF GRANTED, THE VARIANCE WILL NOT IMPAIR THE PURPOSE OF THE REGULATION, FOR REASONS STATED ABOVE.

1) LOT IS .23 ACRE

2) NEIGHBORING PROPERTIES AT SAME SIZE HAVE DEMONSTRATED NO IMPAIRMENT TO THE REGULATIONS.

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned

PACEL 004-175-04

742 RIVER AVE YERINGTON NV 89447

2. General area identification map

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

- _ 3. Plat map showing locations of all pertinent items and appurtenances
- _ 4. Well log (if applicable)
- _ 5. Applicable lab reports
- _ 6. Applicable engineering or construction/remodeling information
- _ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing during:



The next regularly scheduled Board of Health meeting, regardless of location.



The next scheduled meeting in Carson City.



The next scheduled meeting in Las Vegas.

Signature: _____



Printed Name: _____

DARYL JENKINS

Title: _____

TRUSTEE

Date: _____

7/25/25

OFFICIAL RECORDRequested By:
LYON COUNTY TREASURERLyon County, NV
Anita Talbot, RecorderFee: \$43.00 RPTT: \$196.95
Recorded By: atalbotRPTT \$ 196.95
ASSESSOR'S PARCEL # 004-175-04

I, the undersigned hereby affirm that this document submitted for recording does not contain the social security number of any person or persons (Per NRS 239B.030)

GRANTEE ADDRESS:

Daryl Jenkins, trustee of Jenkins Family
Revocable Living Trust Dated 5/31/24
1159 Twincrest Ave
North Las Vegas, NV 89032



QUITCLAIM DEED

THIS INDENTURE, made this 17th day of June, 2025, by and between Staci Lindberg, Treasurer and ex-officio Tax Receiver and Trustee for and on behalf of Lyon County, Nevada, Parcel formerly owned by William Steele Holman an unmarried man hereinafter referred to as First Party, and Daryl Jenkins, trustee of Jenkins Family Revocable Living Trust Dated 5/31/24, buyer hereinafter referred to as Second Party,

WITNESSETH:

Whereas, the Board of County Commissioners of Lyon County, Nevada, ordered on the 15th day of May, 2025, that the real property hereinafter described be sold at public auction in the manner prescribed by law; and the Subject Property was sold, after due and legal notice thereof, at an online public auction held at www.Bid4Assets.com with bidding starting on Thursday, June 12, 2025 and ending on Tuesday, June 17, 2025.

NOW, THEREFORE, the said First Party in consideration of the sum of \$50,100.00 DOLLARS, in lawful money of the United States of America, to them in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents release and forever quitclaim unto the Second Party, all the right, title and interest held by the said First Party, the County of Lyon, State of Nevada, in and to all those certain lots, pieces or parcels of land situate, lying and being in the County of Lyon, State of Nevada, and bounded and described as follows:

See Attached Exhibit "A" for Legal Description.

TOGETHER with the tenements and hereditaments there unto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises unto the said Second Party.

IN WITNESS WHEREOF, the said First Party has here unto set his hand and affixed his Official Seal, the day and year first above written.



Staci Lindberg, County Treasurer and Ex-officio
Tax Receiver and Trustee of Lyon County, Nevada

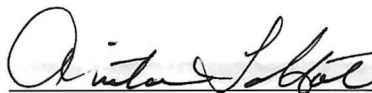
STATE OF NEVADA

}
} ss.
}

COUNTY OF LYON

On this 16th day of June, 2025, before me, Anita Talbot, County Recorder in and for Lyon County, State of Nevada, personally appeared Staci Lindberg, Treasurer and Ex-officio Tax Receiver of the County of Lyon, State of Nevada, personally known to me to be the officer described in an who executed the foregoing instrument, as such officer, freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have here unto set my hand and affixed by Official Seal at my office in the County of Lyon, State of Nevada, the day and year in this certificate first above written.



Anita Talbot, County Recorder in and for the
County of Lyon, State of Nevada

Exhibit "A"

Lot 21 except for the West 12 1/2 feet thereof and all of lots 22 and 23, all in block 29 of the
Mason Townsite

APN: 004-175-04

ALL LOTS WITH RED CIRCLE ARE LOTS SMALLER THAN
•.25 ACRE AND HAVE SEPTIC



BEFORE THE STATE BOARD OF HEALTH

IN THE MATTER OF)

DARYL JENKINS)

VARIANCE REQUEST: CASE #793)

The Nevada State Board of Health ("Board"), having considered the application for Darly Jenkins ("Applicant") for a variance and all other related documents submitted in support of the application in the above referenced matter, makes the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

1. On July 28, 2025, the Nevada Health Authority received a request for variance from Nevada Administrative Code (NAC) 444.790.
2. NAC 444.790 states: "For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum area of 1/4 acre (10,890 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply."
3. Applicant has submitted a request for variance from the requirement of Nevada Administrative Code (NAC) 444.790. Applicant is requesting approval to allow the installation of a Sewage Disposal System (septic system) at 742 River Ave., Yerington, NV 89447 parcel #004-175-04. The lot is a part of a tentative map that was approved before January 1, 2000. The lot size is 0.23 acres.
4. Lyon country, from which the property is located, does not supply the neighborhood with public sewer services or utility.

5. Surrounding properties with the same acreage or lot sizes are on sewage disposal (septic) systems.
6. Applicant has stated in their application for variance, the property was purchased with the intent of improving. The strict application of the NAC 444.790 regulation would render the property unusable.
7. If variance is granted, the Applicant will be required to submit an application to construct an Onsite Sewage Disposal System or Individual Sewage Disposal System with either the Nevada Health Authority or Nevada Division of Environmental Protection. The application process will include a plan review and inspection of the proposed system to ensure compliance to all applicable regulations outline under NAC 445A for Onsite Sewage Disposal System or NAC 444 for Individual Sewage Disposal System.
8. There is little to no risk to the public health in allowing the Applicant to proceed with the permitting process to construct either an Onsite Sewage Disposal System or Individual Sewage Disposal System from which the Applicant must demonstrate compliance to either NAC 445A or NAC 444.

CONCLUSIONS OF LAW

1. This matter is properly before the Nevada State Board of Health pursuant to Nevada Revised Statutes 439.200 and determination of the matter on the merits is properly within the subject matter jurisdiction of the board.

2. NRS 439.200(3) provides:

The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

- (a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and
- (b) The variance, if granted would not:
 - (1) Cause substantial detriment to the public welfare; or
 - (2) Impair substantially the purpose of the regulation.

3. The State Board of Health finds that strict application of the regulation would result in an exceptional and undue hardship as strict application of NAC 444.790 prevents the Applicant from proceeding with the design, construction, and permitting process for either an Onsite Sewage Disposal System or Individual Sewage Disposal System at 742 River Ave., Yerington, NV 89447 parcel #004-175-04.

4. The State Board of Health finds that granting this variance would not impair the purpose of the regulation or cause a substantial detriment to the public welfare.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing, therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the variance to NAC 444.790 is approved **as presented**.

DATED this _____ day of _____, 2025

Jon Pennell, DVM, Chairperson

Nevada State Board of Health

CERTIFICATE OF MAILING

I hereby certify that I am employed by the Department of Health & Human Services,
Division of Public and Behavioral Health, and that on the _____ day of _____, 2025, I
served the foregoing FINDINGS OF FACT AND DECISION by mailing a copy thereof to:

Mr. Daryl Jenkins
7500 Cobal Canyon Ln.
Las Vegas, NV 89129
