



June 26, 2020

Roger Partridge, Chair
Abe Laydon, Commissioner
Lora Thomas, Commissioner
Douglas County Board of County Commissioners
100 Third Street
Castle Rock, CO 80104

RE: Douglas County Variance Request from portions of **Public Health Order 20-28**

Dear Commissioners:

Thank you for your two pending variance applications to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your requests for a variance concerning large gatherings, event venues, receptions, life rites, libraries, and bowling alleys and consider the information provided, and determine that the request is partially approved, with some amendments, as explained further below.

As stated in Appendix G to PHO 20-28, when reviewing a variance request, we evaluate the current prevalence of COVID-19 in the jurisdiction, including whether cases are increasing, stable, or decreasing. Your application addresses particular requirements that you propose as an alternative to the Safer at Home model for each of these areas. The data and information included in your request demonstrates that Douglas County has reported 911 COVID-19 cases to date and has a 2 week average percent positivity rate of 3.06%, which the variance framework permits to be considered in lieu of two-week incidence data, putting Douglas County in the "low" variance category - see [here](#) for more information.

Your two pending variance applications seek variances in the sectors of indoor events, outdoor events, personal recreation, and life rights, as follows:

- Allow 175 people indoors and 250 outdoors for
 - Gatherings
 - Receptions, events and life rites
 - Recreational league sports and tournaments
 - Indoor and outdoor pools
- Allow libraries and bowling alleys to expand to 50% capacity not to exceed 175 people indoors
- Allow 175 people indoors at movie theaters, performance theaters, opera houses, concert halls, and music halls

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The department authorizes the following with respect to your variance requests in the areas of indoor events, outdoor events, personal recreation, and life rites:

- For all indoor and outdoor spaces, in order to achieve 6 feet distancing, the limit is 50% of the posted occupancy code ensuring a minimum 28 square feet per person not to exceed more than 175 people gathered in a confined indoor space at any given time, and not to exceed 250 in an outdoor space.
- These expanded capacity limits are only applicable to the specific sectors and activities for which you have requested a variance, except for recreational league sports and tournaments.
- For recreational league sports and tournaments, due to the inherent risks associated with sports activities as described in [CDC guidance](#), the variance approval is limited to up to 50 players at any given time. We continue to discourage spectators and games between teams from different geographic locations.
- Any gatherings within a particular sector that is regulated through the public health order, e.g. restaurants, and for which the application did not seek a variance remain under the requirements of the Safer at Home order, as amended.
- For events including receptions, movie theaters, performance theaters, opera houses, concert halls, music halls, and libraries, as the Seventh Amended PHO 20-28 issued on June 19, 2020 now includes requirements for indoor and outdoor events, these facilities and activities must follow these requirements with the exception of the capacity authorization identified in the first bullet above.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the County were to exceed a percent positivity of 5%, notify CDPHE and then implement a mitigation plan for 2 weeks to try and restore virus transmission levels to the baseline under which the variance was approved. If after 2 weeks the levels are not restored, then the capacity limits are automatically adjusted to the maximum of the new level (low goes to medium, medium goes to high). This standard for variance review applies to all variances currently in effect in Douglas County. Additionally, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This approval is in effect until the final expiration of PHO 20-28, which currently is set to expire on June 30, 2020 but may be extended.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Douglas County residents are safe and healthy as we deal with this global pandemic. Douglas County is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

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Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director