



COLORADO
Department of Public
Health & Environment

May 22, 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 **Executive Order D 20 044** and **Public Health Order 20-28**

Dear Commissioners:

Thank you for your applications to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Executive Order D 20 044 Safer at Home** and **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your requests and consider the information provided, and determine that the requests are approved, with some amendments, as explained further below. This variance approval is limited to the operations of the Park Meadows Mall (Mall), restaurants, houses of worship, and gyms; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for Douglas County.

You asked for a variance related to allowing Douglas County to open the Mall on a limited basis. Your application specifies the particular requirements that you propose as an alternative to the Safer at Home model for operating the Mall.

The data and information included in your request demonstrates that the TriCounty Health Department (TCHD) has a strong public health surveillance system, sufficient hospital capacity, and appropriate thresholds for rolling back the variance if conditions worsen. Your application states that the TCHD will monitor multiple data points to determine whether the variances are effective and may remain in place, including case rates, hospital admissions, percent of positive tests, and available hospital beds. You propose thresholds for triggering enhancing restrictions that include a 20% increase in positive cases in 3-day rolling average over a 14-day period, a substantial increase in hospitalizations directly related to COVID-19 over a 2-week period, and the inability of TCHD to contact trace new cases within 24 hours of a known positive test result. Douglas County has a disease incidence rate of 22 per 100,000 people and a 1-8% positivity rate over the last two weeks.

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Your variance requests are approved, with an amendment concerning a cap on occupancy. In each confined indoor space, in order to achieve 6 ft social distancing, the limit is 50% of the posted occupancy code limit ensuring a minimum 28 sq feet per person not to exceed more than 175 people at any given time. Additionally, specifically with respect to the Mall and as noted in your variance, it is critical that the indoor common areas be well-managed at all times such that no gatherings are occurring and instead customers are moving from one destination to the next, and admitted into each confined indoor retail space as permitted based on 50% occupancy of that confined indoor space.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If any two of the County's triggers of a 20% increase in positive cases in 3-day rolling average over a 14-day period, more than 100 new cases per 100,000 people in two weeks, a substantial increase in hospitalizations directly related to COVID-19 over a 2-week period, or the inability of TCHD to contact trace new cases within 24 hours of a known positive test result occurs, then this variance is automatically rescinded. 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 will be extended in some capacity beyond the current expiration date next week.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that 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.

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