



COLORADO
Department of Public
Health & Environment

July 2, 2020

Terry L. Hofmeister, Chairman
Donald J. Lock, Commissioner
Harlan E. Stern, Commissioner
Phillips County Commissioners
221 S. Interocean Avenue
Holyoke, CO 80734

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

Dear Commissioners:

Thank you for your application 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 request and consider the information provided, and determine that the variance request for Phase 3 for the specific functions identified below is approved, with some amendments as detailed in this letter.

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 Phillips County has reported 16 COVID-19 cases to date with 1 case in the last two weeks, putting Phillips County in the "low" variance category - see [here](#) for more information.

Based on the low disease prevalence in Phillips County as assessed in this variance review, the following standard is applied to determine the maximum capacity in the indoor and outdoor settings for which you have applied: 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.

Your variance application requests variances in the sectors of critical businesses, non-critical office-based businesses, non-critical manufacturing, indoor events, and outdoor events, as follows:

- Allow non-critical office based businesses to resume unrestricted staffing,
- Allow non-critical manufacturing to resume unrestricted staffing,
- Allow critical businesses to resume unrestricted staffing, and

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- Allow gatherings of 50% occupancy or up to 500 people indoors and 575 people outdoors at large venues, including houses of worship.

The department authorizes the following with respect to your variance request:

- In each confined indoor space, in order to achieve 6 feet social distancing, the limit is 50% of the posted occupancy code limit ensuring a minimum 28 square feet per person not to exceed 175 people at any given time, and 250 people in an outdoor setting.
- No indoor or outdoor events, activities, gatherings, or businesses are authorized above the capacity limits set in the first bullet above. The requests to exceed the 50% staffing cap in non-critical office based businesses and manufacturing, and also to increase capacities to 500 people indoors and 575 outdoors, are not approved.

Your request for visitation for senior care facilities cannot be granted pursuant to a variance, as this process is exclusively for **Public Health Order 20-28 Safer at Home**, and visitation is regulated pursuant to **Public Health Order 20-20**. We recently authorized outdoor visitation at such facilities, and are continuing to work on plans to allow for indoor visitation in the future. Additionally, critical businesses are not not subject to a 50% staffing restriction pursuant to Public Health Order 20-28, and no variance is required for that sector.

This variance approval is granted based on the facts and circumstances today as you have described them in your request and is subject to adjustment if conditions worsen as described [here](#). If the County observes 7 or more cases in a two week period, 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). If the county started at the "high" level for the variance, and after the 2 weeks of mitigation the baseline has not been restored, then the variance is rescinded. This standard for variance review applies to all variances currently in effect in Park 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 will be extended in some capacity beyond the current expiration date of July 31, 2020.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Phillips County residents are safe and healthy as we deal with this global pandemic. Phillips 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 style with a large initial "J" and "R".

Jill Hunsaker Ryan, MPH
Executive Director