



COLORADO
Department of Public
Health & Environment

June 14, 2020

Glen R. Ausmus, Chair
Shiloh Freed, Commissioner
Rick Butler, Commissioner
Baca County Board of County Commissioners
741 Main Street, Suite 1
Springfield, CO 81073

Jessami Graham, Director
Baca County Public Health Agency

RE: Baca 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) of a variance request to portions of **Public Health Order 20-28 Safer at Home**, as amended. The remaining variance requests concern restaurants, houses of worship, libraries, movie theaters, and swimming pools. I have had an opportunity to review these requests, and I have determined that they are 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 Baca County has reported 12 COVID-19 cases with no cases reported in the last two weeks, putting Baca County in the “low” variance category - see [here](#) for more information. Your application demonstrates that testing services are available, hospital capacity exists at Southeast Colorado Hospital District, and you have sufficient staffing to implement isolation and quarantine within 12 hours of a case report.

Your variance application seeks all of the following:

- Restaurants up to 50%
- Houses of Worship up to 50 people
- Libraries up to 10 people
- Movie Theaters up to 60 people per auditorium
- Swimming pools up to 50% or 50 people

Please note that houses of worship are currently authorized pursuant to the Sixth Amended PHO 20-28 to host 50 people per room, which negates the need for a variance for the same

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limit. Additionally, outdoor swimming pools may also be open at 50% capacity not to exceed 50 people under the order. Your variance application for the remainder of items sought is approved, with the requirements included in the application in addition to the following requirements:

- 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.
- Libraries may open and have up to 10 patrons on the premises as proposed
- Indoor pools may expand from 25 to 50% capacity not to exceed 50 people
- Movie theaters may open at 50% of the posted occupancy code while ensuring a minimum of 28 square feet per person, and must track the number of individuals in an auditorium to create appropriate distancing as follows:
 - Capacity shall be limited by the number of seats per theater
 - Customers must be separated by a minimum of at least three seats to the side, and must alternate every other row
 - Individuals residing in the same household will be considered one customer
 - Six feet distance must be maintained between customers

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 2 or more non-epi linked 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. 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 June 30, 2020.

I appreciate your thoughtful approach to these challenging issues and wish you all the best in your continuing efforts to ensure that Baca County residents are safe and healthy as we deal with this global pandemic. Baca 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,



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Jill Hunsaker Ryan, MPH
Executive Director