



June 7, 2020

Lesley Dahlkemper, Chair
Casey Tighe, Commissioner
Libby Szabo, Commissioner
Jefferson County Board of County Commissioners
100 Jefferson County Parkway
Golden, CO 80419

RE: Jefferson 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 request is approved, with some amendments, as explained further below. This variance approval is limited to the sectors discussed below; in all other respects, the requirements of the Safer at Home Public Health Order, as amended, remain in effect for Jefferson County.

You asked for a variance related to the following specific functions, Gathering Size, Places of Worship, Gyms, Indoor Retail Malls, Outdoor Recreation, Museums and Educational Experiences, Graduations, Brewpub and Distilleries, Event Centers, and Other Businesses. Your COVID-19 Suppression Plan 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 Jefferson County has had 2,373 COVID-19 cases to date including 317 cases in the last two weeks for a two week cumulative incidence of 55 per 100,000 (high level as described [here](#)), and has a disease prevention and response system that includes ongoing testing, case and outbreak investigation, and ongoing public education. Jefferson County also has the support of its local hospitals for this variance request.

Your variance application asks for a variety of increases in the permitted sizes of indoor and outdoor gatherings and activities. The following requests are approved, with the additional requirements as set forth below:

- In order to achieve 6 ft social distancing, the limit is 50% of the posted occupancy code limit ensuring a minimum 28 square feet per person not to exceed more than 50 people at any given time in a confined indoor space, and 125 people in any outdoor setting. Note that this is the maximum size for both indoor and outdoor settings, and the county

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may choose to authorize openings of smaller sizes as outlined in the variance application.

- The above-referenced upper limits apply to your request for increased capacities for all businesses and activities listed below, with distancing of a minimum of 6 feet between individuals or groups, along with strong encouragement in these settings of the use of face coverings:
 - gathering sizes
 - houses of worship
 - gyms
 - indoor malls
 - outdoor recreation including
 - Outdoor facilities
 - Outdoor pools
 - Skate parks
 - Batting cages
 - museums
 - As noted in the application, Chatfield Farms is operating in compliance with the variance application previously granted for the Botanic Gardens
 - The Butterfly Pavilion is approved to operate as you have described
 - brewpubs and distilleries that are seating customers, requiring a minimum of 6 feet distancing between groups, and disallowing use of common spaces
 - event centers limited to 25 people indoors and 50 people outdoors in phase 1, and 50 people indoors and 100 people outdoors in phase 2.
- As you propose, athletic fields are limited to no more than 50 people for youth and adult sports.
- Isolation timeframes for ill individuals is a minimum of 10 days in accordance with CDC guidance.
- Indoor malls may open in accordance with the requirements submitted with this application once an indoor mall's plan has been approved by Jefferson County Public Health.
- Graduation gatherings over 50 are subject to review and approval by Jefferson County Public Health, following all of the requirements as described in the variance application
- All other businesses not specifically identified in the public health order may operate at 50% capacity with mandatory 6 feet distancing, face coverings for employees who come in contact with other employees or customers, strong encouragement for customers to wear face coverings, and robust cleaning and disinfection protocols.

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. If the County observes that a threshold of 580 cases in a two week period occurs (exceeds "high" level), notify CDPHE and 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. If

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the county started in 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 Jefferson County residents are safe and healthy as we deal with this global pandemic. Jefferson 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