



June 11, 2020

Garrison Ortiz, Chairman
Terry Hart, Commissioner
Chris Wiseman, Commissioner
Pueblo County Board of County Commissioners

Randy Evetts, Director
Pueblo County Public Health

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

Dear Commissioners and Director Evetts:

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 for a variance concerning places of worship, bars, breweries, wineries, indoor malls, graduations, indoor and outdoor recreation activities and events, public gatherings or events, libraries, gathering limits as applied to courts and city council or county commission meetings, private membership organizations, and licensed estheticians. 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 Pueblo County.

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 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 Pueblo County has had 45 COVID-19 cases in the last two weeks for a two week cumulative incidence of 27 per 100,000 (medium level as described [here](#)), and has a disease prevention and response system that includes ongoing testing, case and outbreak investigation, and ongoing public education. Pueblo 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 100 people at any given time in a confined indoor space, and 175 people in any outdoor setting.

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Note that this is the maximum size for both indoor and outdoor settings, and the county 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
 - Theaters
 - Bowling alleys
 - Indoor malls
 - Entertainment and recreation, including
 - Youth and adult league and recreational ball parks
 - Dog parks
 - Skating rinks
 - Museums
 - Race tracks
 - Bars, wineries, tasting rooms, and distilleries that seat customers at tables and close down gathering spaces such as lobbies or lounge areas are authorized to operate, subject to the restaurant requirements contained in the public health order and in accordance with the requirements in your variance application
 - Graduation ceremonies
 - Libraries
 - Private membership organizations
- Indoor malls may open in accordance with the capacity limits as noted in this approval and the requirements proposed in the application once an indoor mall's plan has been approved by Pueblo County Public Health.

We reached out to Director Evetts to get more information concerning the Pueblo Zoo, and learned that the Zoo can accommodate several thousand guests, the proposal is to limit occupancy to 25%, which equates to 500 people, with no more than 200 people on the premises at any given time. This variance request is approved.

Courts and local government boards have been authorized to function as critical government functions under the Safer at Home orders. Your variance application asks for 50% occupancy for both settings, presumably to allow for others beyond the necessary personnel for each function to participate, which could exceed the current limit on gatherings of no more than 10 people. These variance requests are approved.

CDPHE is working now on a framework for allowing the personal services of estheticians to resume, so your request for this variance is not being approved at this time, but will be addressed shortly through statewide orders and/or guidance.

Variance Alteration and Rescission

For your variance request for the Pueblo Zoo, because the request is specific to a venue, and not a broader industry, it is appropriate to evaluate COVID-19 cases attributed to this venue versus community-wide increases. If during the case investigation process the County identifies the Pueblo Zoo as a potential source of COVID-19 cases or an outbreak, controls consistent with other outbreak investigations would be utilized, and additional restrictions would be imposed if more cases occurred. Consistent with other, similar, variance requests in the state, an appropriate threshold for triggering more restrictions is 2 cases from the Pueblo Zoo. If the trigger of 2 or more cases associated with the Zoo leads to additional cases traced to the Zoo, the alteration process described below is initiated.

For the other approvals in your variance application, if the county reports that more than 84 cases in a two week period (2 week incidence of 51 per 100,000) has occurred, the alteration process described below is initiated.

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](#). El Paso County is in the “medium” level of viral spread at the time of this approval. If either of the above thresholds are met, 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 (medium goes to high). 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 Pueblo County residents are safe and healthy as we deal with this global pandemic. Pueblo 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,



Jill Hunsaker Ryan, MPH
Executive Director