June 12, 2020

Tony Wells, Chairman
LeaAnn Laybourn, Commissioner
Leland Willke, Commissioner
Washington County Commissioners
150 Ash Avenue
Akron, CO 80720

RE: Washington 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. I have had an opportunity to review your request for variances regarding restaurants, bars, and houses of worship, and I have determined that the request is 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 Washington County has reported 44 COVID-19 cases with 2 epi-linked cases (excluding outbreak associated cases among inmates at the Washington County Justice Center) in the last two weeks, putting Washington County in the “low” variance category - see here for more information. Your application demonstrates that testing services are available, and that Northeast Colorado Health Department is performing disease control and surveillance activities for the county. While there are no hospitals in Washington County, you have received support from Yuma District Hospital for your variance application.

With respect to your request for a variance for restaurants, bars, and houses of worship, in addition to the requirements outlined in your application, the following additional requirements must be met:

- In order to achieve 6 feet distancing the limit is 50% of the posted occupancy code limit 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.
● Only bars that seat customers at tables and close down gathering spaces such as lobbies are authorized to operate, subject to these capacity restrictions and in accordance with the requirements in your variance application.

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 more than 2 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 Washington County residents are safe and healthy as we deal with this global pandemic. Washington 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

[Signature]

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Executive Director