



May 23, 2020

Susan Wheelan
Public Health Director
El Paso County Public Health
1675 W. Garden of the Gods Road, Suite 2044
Colorado Springs, CO 80907

RE: El Paso County Variance Request from portions of **Executive Order D 20 044** and **Public Health Order 20-28**

Dear Director Wheelan:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request to portions of **Executive Order D 20 044 Safer at Home** and **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request for variances regarding restaurants. This variance approval is limited to restaurants and in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for El Paso.

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. In reviewing El Paso County's current status with respect to the COVID-19 pandemic, we note that the county has had 1,493 cases to date, with 371 of those cases occurring in the last two weeks, which is a two week incidence of 52 per 100,000. Your application describes a robust public health system with continuing collaboration with community partners to ensure that testing capacity, epidemiological response, PPE resources, and healthcare infrastructure remain stable and sufficient to meet community needs.

Regarding your proposed alternate restrictions for restaurants, your request is approved with the following additional requirements:

- In each confined indoor space, 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.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the county were to have more than 715 cases in a two week period (2 week incidence of 100 per 100,000), the variance is automatically rescinded. Additionally, CDPHE reserves the right to modify or rescind this variance approval as

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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 next week.

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