



June 5, 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 **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 the Cheyenne Mountain Zoo and houses of worship. This variance approval is limited to these requests; the requirements of the Safer at Home Executive Order and Public Health Order and the previously approved variances remain in effect for El Paso County in all other circumstances.

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 1,802 cases to date, with 333 of those cases occurring in the last two weeks, which is a two week incidence of 47 per 100,000 and qualifies for the "medium" level in the variance framework. Additionally, cases in El Paso County have been declining, and if they drop below 26 per 100,000 can be considered for opening at the "low" level in the [variance framework](#). 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.

Cheyenne Mountain Zoo

Regarding your request to open the Cheyenne Mountain Zoo, your application specifies the particular requirements that you propose as an alternative to the Safer at Home model for operating the Zoo. We understand that your proposal to open in three phases, with the first two phases occurring over a 14 day period, with a limitation of 300 tickets sold per hour for these phases. In phase 3, you propose to remove the limit on ticket sales but prohibit shuttles to the Zoo, thus capping visitors at approximately 4,500 per day based on parking at the Zoo. You indicate that the Zoo's capacity is 20,000 people, so this proposal is close to 25% capacity for

the Zoo. Your application describes good disease prevention practices, including one way traffic flow, closure of some buildings, adherence to restaurant requirements for concessions and retail requirements for the gift shops, and strong cleaning and disinfection protocols. We view the risk of disease transmission at the Zoo, while not identical, similar to an outdoor park setting, providing a low contact environment where ongoing, sustained contact by individuals outside of one's household can be avoided and social distancing can be maintained at all times. This safer, while not risk free, outdoor environment, coupled with the protections that you describe in your plan and the few additional requirements below, provide a reasonable basis for the approval of the first two phases of your variance application. We will reassess in two weeks whether approval of phase 3 is appropriate.

Houses of Worship

Your application specifically seeks a variance from the Safer at Home provisions concerning houses of worship. We have reviewed your proposal and approve the requirements outlined in your application, with the following additional requirements that 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 100 people gathered in a confined indoor space at any given time, and not to exceed 175 in an outdoor space.

Variance Alteration and Rescission

For your variance request for the Cheyenne Mountain 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 Cheyenne Mountain 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 Cheyenne Mountain 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 your variance request relating to places of worship, if the county reports that more than 715 cases in a two week period (2 week incidence of 100 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

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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 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