



COLORADO
Department of Public
Health & Environment

June 30, 2020

Sean Wood, Commissioner
Randall Wheelock, Commissioner
George Marlin, Commissioner
Clear Creek County Board of Commissioners
P.O. Box 2000,
405 Argentine Street,
Georgetown, CO 80444

Cindy Dicken
Clear Creek County Public and Environmental Health
PO Box 2000
405 Argentine St.,
Georgetown, CO 80444

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

Dear Commissioners and Director Dicken:

Thank you for your second 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 expanding outdoor gatherings, and consider the information provided, and determine 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 Clear Creek County has reported 18 COVID-19 cases to date with 1 case in the last two weeks, putting Clear Creek County in the "low" variance category - see [here](#) for more information.

Based on the low disease prevalence in Clear Creek county as assessed in this variance review, the following standard is applied to determine the maximum capacity in the indoor and outdoor settings for which you have applied: for all indoor and outdoor spaces, in order to achieve 6 feet distancing, the limit is 50% of the posted occupancy code 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.

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Your application requests

- **Outdoor Events:** allow for a minimum of 28 square feet per person in the event space is required, with rigorous prevention measures in place and a maximum number of 250 people
 - Includes wedding receptions, community, civic, public, leisure, faith-based events and gatherings, concerts, conventions, fundraisers, parades, fairs, festivals, or any other similar social event that brings 10 or more people together.
- **Personal Recreation:** allow sporting events with spectators for a minimum of 28 square feet per person in the event space is required, with rigorous prevention measures in place and a maximum number of 250 people
- **Restaurants:** allow indoor dining area at a maximum capacity up to 50% of the posted occupancy code with people spaced 6 feet apart, ensuring a minimum of 28sqft per person, and not to exceed more than 175 people

Your requests for outdoor events and restaurants are approved. For sporting events, the current order restrictions include only 25 players at a time, excluding coaches and referees, and spectators are strongly discouraged. Your request to go to 250 people outdoors is a significant increase in an area with increased risk associated with sports activities and the potential for disease transmission. This request in effect multiplies the permitted number by 10. Even understanding that some of those individuals will be observing rather than participating in the sporting event, we are not currently approving increases of this size for sporting events.

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 7 or more 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. This standard for variance review applies to all variances currently in effect in Clear Creek County. 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 Clear Creek County residents are safe and healthy as we deal with this global pandemic. Clear Creek 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.

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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