



June 4, 2020

Emma Davis  
Public Health Director  
Fremont County Department of Public Health  
and Environment  
201 N. 6th Street  
Canon City, CO 81212

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

Dear Ms. Davis:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance 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 tasting rooms, movie theaters and bowling alleys, and consider the information provided, and determine that the request is approved, with some amendments, as explained further below. This variance approval is limited to the three functions for which you requested a variance; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order and your previous variance approval remain in effect for Fremont 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 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 Fremont has reported a total of 26 COVID-19 cases with just 1 case in the last two weeks for a two week incidence rate of 2 per 100,000, and sufficient hospital capacity to care for COVID-19 positive patients.

With respect to the three areas that you requested receive a variance, each is authorized with the amendments described below to the COVID-19 Suppression Plan.

- 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.
- For movie theaters, the facility must track the number of individuals in a theater to create appropriate distancing as follows:
  - Capacity shall be limited by the number of seats per theater

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- Customers must be separated by a minimum of at least three seats to the side, and must alternate every other row
- Individuals residing in the same household will be considered one customer
- Six feet distance must be maintained between customers

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If 48 or more cases occur in a two week period (two week incidence of 100 per 100,000), then this variance is automatically 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 currently is set to expire on June 1, 2020 but may be extended.

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