



COLORADO
Department of Public
Health & Environment

May 28, 2020

Richard Cimino, District 1
Merritt Linke, District 2
Kristen Manguso, District 3
Grand County Board of Commissioners
308 Byers Avenue
Hot Sulphur Springs, CO 80451

Brene Belew-LaDue, Director
Grand County Public Health

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

Dear Commissioners and Director Belew-LaDue:

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, short term lodging, fitness centers and gyms, and houses of worship, and I have determined that the request is approved, with some amendments, as explained further below. This variance approval is limited to the four functions for which you requested a variance, restaurants, short-term lodging, fitness and recreation centers, and houses of worship, to transition from Phase 2 to Phase 3, except where limited below; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for Grand County. You did not request and this approval does not apply to Phase 4 of your suppression plan.

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 Grand County's current status with respect to the COVID-19 pandemic, we note that the county has only had 8 cases to date, with 3 in the last 2 weeks for a two week incidence of 19 per 100,000. Your application describes sufficiency in your public health system including collaboration with local health care resources in Grand County, with effective disease investigation and surveillance.

Your variance requests for restaurants, short-term lodging, fitness and recreation centers, and houses of worship is generally approved, with some additional conditions. We appreciated

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hearing more from you regarding the status of your recreation plans, and receiving a revised version of the Grand County Recreation Playbook. In the Playbook, you describe 4 phases which generally align with the state's Stay at Home, Safer at Home, Protect your Neighbors, and then no restrictions phases. This variance approval is for Phase 2 of the Plan and not phases 3 or 4, as at this time the state has not yet determined that transitioning to Protect your Neighbors is appropriate or warranted. Even so, you have proposed a number of limited activities with well-thought out disease prevention measures, and approval of Phase 2 will allow these activities to take place. In addition to the requirements contained in your variance application and revised Grand County Recreation Plan, the following requirements must also 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.
- Restaurants may open according to your plan; however, bars are not authorized to open.
- For indoor recreation, employees must clean and disinfect equipment between each use.
- For outdoor athletics and parks, this variance does not authorize sports leagues to resume.
- For movie theaters, the following standards must be implemented:
 - 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
 - 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
 - The theater must be cleaned and disinfected between movie showings.
 - Mark concession lines for a minimum of six feet distancing
 - Implement or maintain physical barriers for high-contact settings (e.g. Cashiers).
 - Offer touchless payment options wherever possible.
 - Perform environmental cleaning and disinfection of bathrooms and high touch surfaces every 2 hours and maintain a cleaning log.

The Fourth Amended Public Health Order 20-28, issued on May 26, 2020, authorizes restaurants opening for limited dine-in service as well as continuing to authorize curbside pick up and delivery. Additionally, the Order allows for summer day camps to begin with certain restrictions on June 1, 2020. Grand County may choose to follow the requirements of the amended public health order or this variance approval for these two categories.

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 exceed 100 cases per 100,000 population in a two week period (15 cases in two weeks), 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 Grand County residents are safe and healthy as we deal with this global pandemic. Grand 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