



COLORADO
Department of Public
Health & Environment

May 23, 2020

Steve Child, Chair
Kelly McNicholas Kurry, Vice-Chair
Patti Clapper, Commissioner
Greg Poschman, Commissioner
George Newman, Commissioner
Pitkin County Board of Commissioners
530 E. Main Street, Suite 302
Aspen, CO 81611

Karen Koenemann, Director
Pitkin County Public Health Agency

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

Dear Commissioners:

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 businesses, gatherings, public transit, local and personal public recreation, restaurants, bars, places of worship, museums, gyms, movie and performance theaters, concert halls, music venues, and noncritical retail. This variance approval is limited to businesses, gatherings, public transit, local and personal public recreation, restaurants, places of worship, gyms, movie and performance theaters and noncritical retail; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for Pitkin 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. In reviewing Pitkin County's current status with respect to the COVID-19 pandemic, we note that the county has had 57 cases to date, with just 2 of those cases occurring in the last two weeks, which is a two week incidence of 11 per 100,000. Your application describes a strong public health system in Pitkin County, with effective disease investigation and surveillance, and partnership with Aspen Valley Hospital, which has the capacity to provide care to ill individuals.

Public Health Order 20-28 authorizes public gatherings of no more than ten (10) individuals, and you have proposed to increase the size to no more than (50) individuals in Phase 2 and up to (250) individuals in Phase 3. We view the risk of disease transmission to be lower in an outdoor environment when the activity is low contact and where ongoing, sustained contact by individuals outside of one's household can be avoided and social distancing can be maintained at all times. This outdoor environment, while not risk-free, coupled with the protections that you describe in your plan and the few additional requirements here, provide a reasonable basis for the approval of this portion of Phase 2 of the variance application. If you wish to provide information at a later date concerning Phase 3, we will consider it at that time. The plans for these gatherings must include a minimum of 6 feet distancing between participants and require face coverings.

For all of the approved variance settings, the following requirements apply:

- 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.
- Monitor employees for one of the following symptoms:
 - Cough
 - Shortness of breath/difficulty breathing
 - Or two or more of the following symptoms:
 - Fever
 - Chills
 - Repeated shaking with Chills
 - Muscle Pain
 - Headache
 - Sore throat
 - New loss of taste or smell
- Symptomatic employees MUST be excluded from the workplace
- Employees and contracted workers shall be required to wear a non-medical cloth face covering over the nose and mouth. Individuals who cannot wear a mask shall not be permitted to work at this time.
- Stagger shifts if feasible to decrease employee numbers at the business.
- Do not allow customers, participants or vendors with symptoms of COVID-19 into the establishment.
- Request that customers or participants wear cloth face coverings at all times if practicable
- Make reasonable accommodations for vulnerable populations who are still under the Stay at Home advisement. (e.g. seating assistance, special hours, remote participation)

For restaurants, each of the following must be adequately addressed before opening to the public:

- Group parties shall be limited to eight people.

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- Tables must be spaced a minimum of 6 feet apart.
- Do not allow customers to wait in the lobby area or lines outside of the door. Implement a reservation system, notify customers via text/call when their table is ready.
- Provide handwashing stations or sanitizer for all customers.
- Post signs at entrances regarding face coverings, and post signs throughout the facility as needed to remind customers of social distancing and proper hygiene.
- Bars are to remain closed, including those that are part of a restaurant.
- Implement one-way entry/exit and directional walkways as much as possible.
- Self-service stations shall remain closed (drinking stations, bulk dry, etc.)
- Don't allow public sharing of utensils or condiment containers.
- Buffets shall have an employee serving the food, no self-service is to be allowed.
- Perform environmental cleaning and disinfection of bathrooms and high touch surfaces every 2 hours and maintain a cleaning log.
- Implement or maintain physical barriers for high-contact settings (e.g. Cashiers)
- Implement touchless payment methods where possible.

For places of worship, the following requirements must be met:

- Provide at least 6 feet of distance between individuals or between groups of a single household.
- Guests shall not be permitted to wait in the lobby area or in lines outside the door. No gatherings before, during or after services.
- Face coverings should be strongly encouraged for all guests.
- Post signs at entrances regarding face coverings, and post signs throughout the facility as needed to remind guests of social distancing and proper hygiene.
- Cleaning and disinfection after any use of the worship space.
- Place markings on the floor to maintain at least a six-foot distance where a line may form.
- Implement one-way entry/exit and directional walkways as much as possible.
- Implement touchless offering and communion options as much as possible (e.g. do not pass around the offering plate, make available individual offerings that can be picked up by individuals to limit touching, pre-packaged and/or grab-and-go).
- Perform regular environmental cleaning and disinfection of bathrooms and high touch surfaces and maintain a cleaning log.
- No self-service refreshments.
- Make available handwashing stations and/or sanitizer.

For movie theaters, the following requirements must be met:

- 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

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- 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.

For gyms, the following requirements must be met:

- Do not allow participants to wait in the lobby or in lines outside of the doors.
- Post signs at entrances regarding face coverings, and post signs throughout the facility as needed to remind guests of social distancing and proper hygiene.
- Implement one-way entry/exit and directional walkways as much as possible.
- Spread participants out so that there is at least a 6-foot distance between individuals throughout the facility.
- An employee must disinfect equipment after every use.
- Perform regular environmental cleaning and disinfection of bathrooms and high touch surfaces and maintain a cleaning log.
- Locker rooms, saunas and shared spaces for gatherings must remain closed

The following requests are not authorized to move forward at this time, but you may wish to resubmit at a later date as new guidance is released:

- Bars
- Concert halls
- Music venues

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 18 new cases in a week, excluding outbreak-associated cases in the senior care center, the 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 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 Pitkin County residents are safe and healthy as we deal with this global pandemic. Pitkin 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