



May 23, 2020

Keith Caddy, Chair
Roger Rash, Vice-Chair
Sue Hansen, Commissioner
Montrose County Board of Commissioners
317 S. 2nd Street
Montrose, CO 81401

James Austin, Interim Director
Montrose County Public Health

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

Dear Commissioners and Mr. Austin:

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, 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 three functions for which you requested a variance¹, restaurants, gyms, and houses of worship; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for Montrose 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 Montrose County's current status with respect to the COVID-19 pandemic, we note that the county has had 147 cases to date, with 30 of those cases occurring in the last two weeks, which is a two week incidence of 71 per 100,000. Your application describes a strong public health system in Montrose County, with effective disease

¹ The documents included with the Montrose variance request included information pertaining to areas for which the county did not identify in its variance application that it sought a variance. This approval addresses only the three (3) areas identified in the application for variance, namely places of worship, restaurants, and gyms. Note that the variance process is not applicable to voluntary and elective surgeries and procedures; those items are addressed in **Executive Order D 2020 045** and **Public Health Order 20-29**, neither of which authorizes a variance process.

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investigation and surveillance, and partnership with local hospitals that have the capacity to provide care to ill individuals.

Regarding your proposed alternate restrictions for restaurants, gyms, and houses of worship, your request is approved with the following additional requirements:

- In each confined indoor space, in order to achieve 6 ft social distancing, the limit is 50% of the posted occupancy code limit ensuring a minimum 28 square feet per person not to exceed more than 50 people at any given time.

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 a 15% positivity rate or more than 100 cases per 100,000 population in a two week period (42 cases in two weeks), 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 Montrose County residents are safe and healthy as we deal with this global pandemic. Montrose 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,



Jill Hunsaker Ryan, MPH
Executive Director