June 26, 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 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 Public Health Order 20-28 Safer at Home. I have had an opportunity to review your request for variances regarding public gatherings, theaters, restaurants, offices, manufacturing, office gatherings, houses of worship, healthcare, personal services, retail, funeral homes, higher education and summer camps. In most instances, the application seeks to expand opening beyond the 50% occupancy limit contained in the variance framework, in addition to expanding many indoor settings to 175 people. This variance application is partially approved as described below; 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. The data and information included in your request demonstrates that Montrose County has reported 197 COVID-19 cases with 19 cases (excluding cases among residents of facilities experiencing outbreaks) in the last two weeks, putting Montrose County in the “medium” variance category - see here for more information. Your application describes a strong public health system in Montrose County, with effective disease investigation and surveillance, and partnership with local hospitals that have the capacity to provide care to ill individuals.

The variance application requests all of the following:

- Public Gatherings to 75% occupancy or 175 people
Montrose County Variance  
June 26, 2020

- Unlimited Outdoor Gatherings, Pools at 100%
- Indoor fitness/recreation to 75% or 175 people
- Authorization for currently prohibited activities such as sports tournaments and events, rodeos, fairs, festivals and parades, car, motorcycle and horse races
- Bars to 75% or 50 people, remove food service requirement
- Theaters to 75% or 175 people
- Restaurants to 75% or 175 people
- Offices to 75% or 175 people
- Manufacturing to 75% or 175 people
- Office gatherings to 75% or 175 people
- Worship to 75% or 175 people
- Healthcare to 50 people, remove need for medical grade PPE
- Personal Services to 75% or 175 people
- Retail to 75% or 175 people
- Funeral Homes to 75% or 175 people
- Higher Education classrooms up to 50 people
- Summer Camps to 75%, 50 per room, 175 per building

Regarding your proposed alternate restrictions, as Montrose County qualifies for the medium variance level, your capacity requests exceed the framework of what is allowed. Specifically, at the high variance level, the following capacity limits are in effect:

- 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 100 people at any given time, and 175 people in an outdoor setting.
- No indoor or outdoor events, activities, gatherings or businesses are authorized above the capacity limits set in the first bullet above.
- Regarding Section I.J of the Public Health Order 20-28, as amended, remains in effect; however, the following portions of your variance application are approved:
  - Sports tournaments and events may be held, but must follow the guidelines for personal recreation.
  - Rodeos, fairs, festivals, and parades, as well as car, motorcycle and horse races may be held effective June 18th in accordance with the requirements of the outdoor events requirements and guidance that will be finalized on that date.
- Bars must follow the restaurant requirements and guidelines to operate but they are not required to serve food.
- Indoor event requirements and guidance, which is applicable to theaters and higher education classes, was finalized on June 18th. This approval is subject to following the provisions of those requirements and guidelines. Higher education classes are not limited to medical training fields.
- Personal services guidance for services that require removal of a face covering was finalized by June 18th. This approval is subject to following the provisions of those requirements and guidelines.
Montrose County Variance  
June 26, 2020

- Providers in limited healthcare settings must wear medical masks when providing services, and may only remove those masks when social distancing of at least 6 feet if possible (e.g., after entering a private office).
- Restaurants may use self-service dispensers that do not require a common or high use touch point.
- Summer camps, and residential camps that were authorized to open on June 18, 2020, remain limited to group cohorts of no more than 10 indoors or 25 outdoors.

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 22 or more cases (excluding cases among residents of facilities experiencing outbreaks) 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. Alternatively, an average laboratory testing percent positivity threshold of 10% may be used for counties, such as Montrose, with higher testing rates (currently Montrose has a percent positivity of 3.6%). If after 2 weeks the levels are not restored, then the capacity limits are automatically adjusted to the maximum of the new level (medium goes to high). This standard for variance review applies to all variances currently in effect in Montrose 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 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

3