

Permit Definitions for Food Establishment Categories

Skagit County Public Health 2026

ANNUAL FOOD ESTABLISHMENT PERMITS – apply to fixed, mobile, and independent catering operations

Risk Level 1 Food Establishment

Food establishments: prepare only non-time/temperature control for safety (TCS) foods; store pre-packaged TCS food; heat only commercially processed TCS foods for immediate service or hot holding. No cooling, no produce prep, no salad or sandwich assembly, no cooking meat from raw.

Examples: packaged food markets; espresso stands; hot dog stands; satellite cafeterias.

NOTE: Establishments permitted under the Multiple Event permit category prior to 2019 and previously assigned to Risk Level 1 will be reviewed and assigned to the appropriate risk level based on their actual menu and operations.

Risk Level 2 Food Establishment

Food establishment with a limited menu and simple preparation: most products are prepared/cooked and served immediately. May involve handling raw animal foods, hot and cold holding of TCS foods after preparation or cooking, washing/cutting produce, assembling sandwiches or salads, and cooking meat from raw. No cooling, no special processes.

Examples: fast food restaurants and sandwich cafes that do not cool hot potentially hazardous foods; meat markets; smoothie bars.

Risk Level 3 Food Establishment

Food establishments with extensive or complex menus and/or complex food preparation steps where food is moved through the “temperature danger zone” more than once during preparation. Variety of processes require hot and cold holding food. Includes establishments operating under an approved special process, HACCP plan, or variance related to food-handling, or using an approved barehand contact procedure or parasite destruction process.

Examples: full-service restaurants; snack bar that cools leftover hot-held items; limited sushi stands with a HACCP for sushi rice; cocktail bar with an approved barehand contact procedure.

Surcharge for High Volume (>75 seats) or Catering (Each)

Permit – Surcharge for specific addition to Risk Level Permit

High Volume - Facilities with >75 seats or a drive-up window (except espresso stands serving an RL 1 menu)

Catering – Any permitted fixed RL 1, 2, or 3 establishment that offers catering as defined by WAC 246-215-01115(13) in addition to their permitted fixed facility operations. The catering menu and operations may not be higher risk than the base permit.

Additional area – per each within the same building. Separate buildings may require additional permits.

Supermarkets, packaged food stores, and other food establishments which have additional distinct food preparation and service areas within the store building and owned/operated by the same business entity will be issued one base permit for the highest Risk Level of food preparation and a Surcharge for EACH additional distinct area/type of food preparation.

Commissary

A food establishment that provides space or equipment for other food establishments to store, prepare, portion, or pack food for service elsewhere. The owner/operator of the commissary kitchen may or may not prepare food under their own business in the establishment.

- A permitted retail restaurant, WSDA-licensed processor, or freestanding kitchen for hire that provides commissary services to other temporary or annual food establishments must obtain a commissary permit.
- Commissary kitchens must go through plan review, annual inspection, and maintain an annual permit to confirm the kitchen remains compliant with approval conditions.
- Facilities must meet the requirements of WAC 246-215 for a retail food establishment and may not be in the living areas of a private home.

Exception: a mobile unit, catering operation, or temporary food permit-holder operating out of their **own permitted fixed retail food establishment within the scope of their permitted risk level** is not required to obtain an additional commissary permit.

Independent Catering Operation

Permitted by Risk Level

A catering operation, as defined by WAC 246-215-01115(13), that operates out of a permitted commissary that they do not own or operate as a fixed food establishment. This category also applies to catering businesses based outside of Skagit County operating on an annual basis.

Donated Food Distributing Organization (DFDO)

A charitable nonprofit organization under Section 501(c) of the federal Internal Revenue Code that distributes food free of charge to the needy. Risk Level will be assigned based on actual menu and operations. There is no permit or plan review fee. The menu and operations may be limited based on available space and equipment.

Plan Review – Tier 1

Used whenever the owner the business changes, based on the Uniform Business Identifier (UBI) issued by the Department of Revenue. Additional fees for remodel/menu change or required variances may apply.

Plan Review – Tier 2

For changes to the physical facilities, menu, equipment, or food handling procedures in an existing food establishment or for a change in ownership at a previously permitted establishment closed for less than 1 year. May be assessed at the time of an ownership change in addition to the ownership change fee if changes are needed to meet current code requirements or the new menu is substantially different from the previous permitted establishment.

Plan Review – Tier 3

For a new structure, demolishing and rebuilding an existing structure, or converting an existing structure from another purpose for use as a food establishment. Use this fee if a previously permitted site or mobile unit has not had a food establishment permit with Skagit County Public Health for 1 or more years. May also be assessed for complete reconstruction affecting multiple systems that may otherwise be eligible for a Tier 2 Plan Review.

Variance – No HACCP

For review for an exemption or alteration to the food code that does not directly affect food handling or preparation. Examples include physical facilities. After initial 2 hours of staff time project will be charged at the hourly rate.

Variance – HACCP/Special Process

For review of an exemption or alteration to the food code that involves food handling or preparation. Includes cases requiring a variance or Hazards Analysis of Critical Control Points (HACCP) plan specified in WAC 246-215-08210. After initial 5 hours of staff time project will be charged at the hourly rate.

TEMPORARY AND SEASONAL FOOD ESTABLISHMENT PERMITS

An **approved reoccurring event** is a festival, fair, carnival, sporting event, or similar event operated with city or county approval for zoning and land use for the event and offering basic services to vendors that include restrooms with hand wash stations, potable water service from an approved public water system, garbage collection, and wastewater disposal to approved wastewater collection system.

A **standard menu** is any food that is not explicitly listed on the exempt or low-risk definitions.

FEE: Exempt from permit – application review

Food establishment serving only foods from Exempt Foods list found in WAC 246-215.

FEE: Food Sampler/Demonstrator

Food Demonstration/Sampling means serving, without charge, a small amount of food or drink for the purpose of advertising or promoting the sale of that food or food-associated equipment. Sampled foods must meet the definition of low risk (reverse). Sampling permits may extend through the end of the calendar year.

FEE: Temporary Food Establishment, Single Event, Low-risk Menu

Food establishment operating from a stick booth or other temporary location, serving only foods from the Temporary Permit Low Risk Food List (reverse) - at one approved event location for 21 days or less.

FEE: Temporary Food Establishment – Single Event, Standard Menu

Food establishment operating from a stick booth or other temporary location serving a standard menu - at one approved event location for 21 days or less.

FEE: Temporary Food Establishment – Single Seasonal Location, Low-risk Menu

Food establishment operating from a stick booth or other temporary location, serving only foods from Low Risk Food List (reverse), at one approved event location for the duration of a market or sports season, not to exceed 3 days per week of operation within the approved event operating schedule.

FEE: Temporary Food Establishment – Single Seasonal Location, Standard Menu

Food establishment operating from a stick booth or other temporary location serving a standard menu - at one approved seasonal event location for the duration of a market or sports season, for the duration of the market or sports season, not to exceed 3 days per week of operation within the approved event operating schedule.

FEE: Temporary Food Establishment – Multi-event/Multi-location, Low-risk Menu

Food establishment operating from a stick booth or mobile kitchen serving only foods on the Temporary Permit Low Risk Food list (reverse) - at up to 10 approved single events lasting no more than 21 days per event OR at up to 3 approved market/seasonal event locations for duration of season, not to exceed 3 days per week of operation within the approved seasonal event operating schedules. Food service menu and booth set up must consistent all events. Booth must have an approved sink and tank based hand wash station.

FEE: Temporary Food Establishment – Multi-event/Multi-location, Standard Menu

Food establishment operating from a stick booth or mobile kitchen serving foods that do not meet the criteria for exemption from permit OR the low risk definition - at up to 10 approved single events lasting no more than 21 days per event OR at up to 3 approved market/seasonal event locations for duration of the season, not to exceed 3 days per week of operation. Food service menu and booth set up must consistent all events. Booth must have approved sink and tank based hand wash station.

FEE: Umbrella permit

A blanket temporary event permit where the coordinator obtains a single permit to cover up to 10 temporary food booths. The coordinator assumes Permit Holder responsibilities as defined in WAC 246-215 and must ensure participants comply with the food code. The permit fee covers up to 3 hours of EH staff time – additional time required to review, inspect, and ensure compliance will be billed at the hourly rate.

Temporary Permit Low Risk Food List

ONLY the following items are low risk. Skagit County Public Health may determine that a specific process is not low-risk and requires a standard permit.

- Commercially canned/ factory sealed packages of USDA/FDA/WSDA processed foods that do not require cooking for safety. These foods may be heated and hot held prior to service. No unattended hot holding – items must be served or discarded at the end of each day for multi-day events.
 - **Examples:** chili, soups, baked beans, processed nacho cheese, corn dogs, hot dogs, precooked sausages, ham or other USDA-certified pre-cooked meats ready to eat from the original package.
- Intact (unopened) frozen packages of raw meat, raw fish, or other frozen items prepared at a WSDA/USDA/FDA-licensed facility and sold without cooking, portioning or unwrapping.
- Pasteurized dairy products, espresso drinks, commercial beverage mixes, or commercially frozen fruit.
- Pancakes, funnel cakes, donuts, or other fried dough products made from a commercial powder mix and water.
- Sno-cones or other ice-based drinks or foods made with commercially purchased ice and commercial syrups or mixes.
- French fries, onion rings, other deep-fried foods made from frozen, commercially packaged product.
- Commercially pre-washed fruit or vegetables cut and served on site.
 - **EXCEPT FOR** melons (including cantaloupe, watermelon, or honeydew), tomatoes, or leafy greens (including lettuce, cabbage, or bok choy).
- Pre-made, ready-to-eat items received from a permitted food establishment or licensed food processor and served without any further preparation and in a manner that prevents contamination. May be hot or cold held. Items must be served within 4 hours of receipt. **Examples:**
 - Commercially made pizza from a licensed restaurant, hot held, sold by the slice.
 - Cold appetizer, dessert or other trays prepared & plated at a commercial facility and served cold.
 - Pancake breakfast buffet with cooked sausage and bacon provided ready-to-eat by a permitted restaurant.
 - Baked goods that require time or temperature control for safety (ie., pumpkin pie, cheesecake) sold by the slice or whole.