



STAFF REPORT

DATE: July 7, 2026

TO: The Honorable Mayor and City Council

FROM: Sandra Llewellyn, Econ. Dev. Coordinator

SUBJECT: Approval of a Local Consent for SMPL MFG, LLC, to be issued and regulated by the Utah Department of Alcoholic Beverage Services

RECOMMENDATION:

Staff recommends approval of local consent requests for the following:

- Special Use Permit – Industrial & Manufacturing located at approximately 15897 S. Axia Drive, Suite 150.

ISSUE BEFORE COUNCIL:

Whether to approve the local consent resolution as proposed by Staff.

BACKGROUND/SUMMARY:

Utah Code requires local consent for all alcohol licenses issued and regulated by the State Department of Alcohol Beverage Services (DABS). This application is for Special Use Permit – Industrial & Manufacturing license. This does not allow consumption of alcohol on the premises.

Herriman City Code provides the following applicable regulations:

3-3A-3: GENERAL CONSIDERATIONS:

- A. All licensees shall comply with this article, the Act, and the regulations of the commission.
- B. No person or business may serve alcohol without first obtaining the local consent and/or appropriate approvals of the City as well as the required license(s) or permit(s) issued by the commission. It is unlawful for any person to engage in the business of selling alcohol within the City without first obtaining a general business license pursuant to this title and the appropriate alcohol license from the City. Licenses issued under the provisions of this article shall be classified under the following types, which shall carry the privileges and responsibilities set forth in this article and the Act:
1. Off-premises beer retailer.
 2. Full-service restaurant.
 3. Limited-service restaurant.
 4. Beer-only restaurant.

5. Bar establishment.
6. On-premises banquet.
7. On-premises beer retailer.
8. Single-event permit.

9. *Special use permit.*

10. *Manufacturer.*

- C. A separate license shall be required for each place of sale. Each licensee shall display in a prominent place on the premises the license issued by the City and the license issued by the commission.
- D. In determining compliance with the numerical requirements of this article, any computation resulting in a fractional number, except for proximity requirements, shall be rounded to the nearest whole number.
- E. Conflicts between this article and the Act shall be resolved according to Utah Code Annotated 32B-1-204. (Ord. 2018-38, 11-14-2018) (*italics added for emphasis*)

3-3A-4: LICENSE APPLICATION, LOCAL CONSENT, EXPIRATION & RENEWAL:

- A. License Application Process: A person seeking the issuance of a license under this article shall provide a written application on forms provided by the City. The application shall be accompanied by:
 1. The license fee as set forth in the City's consolidated fee schedule;
 2. An approved site plan or conditional use permit or a copy of the applicant's business license;
 3. Evidence of proximity to any community location;
 4. A floor plan of the premises, including consumption areas and an area where the applicant proposes to keep, store and sell alcoholic beverages;
 5. A signed consent form stating that the premises will permit any authorized representative of the commission, City, or County Health Department unrestricted right to enter the premises;
 6. A copy of the dram shop insurance coverage as required by the Act;
 7. A copy of a cash, corporate or surety bond in the penal amount established by the Act, payable to the Department of Alcoholic Beverage Control; and
 8. Evidence of the applicant's background check, proof of being lawfully present in the United States and any other information the City may require to accurately evaluate the merits of the application.
- B. Local Consent Procedure: Any application for local consent shall follow the City's application procedures.
 1. Business License Official: Each application for a license shall be referred to the business license official. Upon receiving a complete application, the business license official shall submit the request to appropriate City departments for their review and comment.
 2. Distance Requirements:
 - b. A beer-only restaurant, full-service restaurant, or limited-service restaurant license shall not be granted to any applicant for any location situated within three hundred feet (300') of any community location as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or within two hundred feet (200') of the proposed restaurant measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.
 3. City Council Approval:
 - a. The request for local consent shall be reviewed by the City Council at a regularly scheduled meeting not more than forty-five (45) days after a complete application is received.
 - b. After review of the request and accompanying information, the Council shall vote on whether to grant its consent for the issuance of the license.

- c. In deciding whether to grant or deny local consent, the City may also consider the proximity of any educational, religious, or recreational facility, or any other relevant factor in reaching a decision on a proposed location.
 - d. Notwithstanding the foregoing, an application for a single-event permit in conjunction with a regularly-conducted festival or event which, in previous years, received single-event permit approval from the City, may be approved by the Community Development Director upon a showing the applicant has not violated a provision of this article or the Act since the issuance of the last license and that the application meets current ordinances, rules and regulations.
- C. Issuance of License: The City shall issue a license upon compliance with the requirements of this article and the applicant provides proof of the issuance of the appropriate license by the commission.
- D. Expiration: Licenses issued pursuant to the provisions of this article shall expire each year on the last day of the month in which the license was originally issued.

DISCUSSION:

The request is for a local consent permit for SMPL MFG, LLC, located at 15897 S. Axia Drive, Suite 150. The applicant needs the local consent from the City to be able to apply for the appropriate licenses from the State DABS. The request is for a Special Use Permit – Industrial & Manufacturing license.

ALTERNATIVES:

The Council may choose not to approve local consent.

FISCAL IMPACT:

ATTACHMENT:

- A. Resolution

HERRIMAN, UTAH
RESOLUTION NO.

**A RESOLUTION GRANTING LOCAL CONSENT FOR A SPECIAL USE PERMIT –
INDUSTRIAL & MANUFACTURING STATE LICENSE FOR THE SMPL MFG, LLC**

WHEREAS, the Herriman City Council (“Council”) met in regular session on July 8, 2026 to consider, among other things, approving a resolution granting local consent for a Special Use Permit – Industrial & Manufacturing state license for the SMPL MFG, LLC; and

WHEREAS, Utah Code Ann. § 32B-7-402 provides among other things that to obtain a Special Use Permit – Industrial & Manufacturing state license, a person shall submit to the Department of Alcoholic Beverage Services written consent of the local authority; and

WHEREAS, Utah Code Ann. §32B-1-102 defines Local Authority as the Council; and

WHEREAS, the SMPL MFG, LLC has requested written consent of the local authority for a Special Use Permit – Industrial & Manufacturing state license, for the property located at approximately 15897 S Axia Drive, Suite 150, Herriman, UT (known as the “Licensee”); and

WHEREAS, the Council finds that it is in the best interest of Herriman residents to grant the Licensee local consent for a Special Use Permit – Industrial & Manufacturing state license for the SMPL MFG, LLC located at approximately 15897 S Axia Drive, Suite 150.

NOW, THEREFORE, BE IT RESOLVED that the Council grants local consent to the Licensee to obtain a Special Use Permit – Industrial & Manufacturing state license and authorizes and directs the City Manager to execute and deliver to the Alcoholic Beverage Control Commission all forms and consents necessary to implement the intent of this resolution.

This Resolution, assigned No. _____, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah, this 8th day of July 2026.

HERRIMAN

Lorin Palmer, Mayor

Jackie Nostrom, MMC
City Recorder



Local Authority Consent for a Special Use Permit

Permit Type:

The local business licensing authority gives written consent to the Alcoholic Beverage Services Commission to consider the issuance of a special use permit for a person to purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product in a manner that requires a special use permit in this state under the following authorities: Utah Code Title 32B, Chapter 10.

Herriman

hereby grants its consent for the issuance of a permit to:

Business Name (DBA): SMPL MFG, LLC

Entity Name (or owner's name if sole proprietor): SMPL MFG, LLC

Physical Location Street Address: 15897 S. Axia Drive, Suite 150

City: Herriman **Zip Code:** 84020

Authorized Licensing Authority Signature: _____

Printed Name: _____ **Title:** _____ **Date:** _____

This local consent document must be submitted to the DABS by the applicant as part of a complete application.

This is a suggested format. A local authority produced form is also acceptable.