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SkyCorp Ltd v. King County

Court of Appeals of Washington, Division 2 - February 13, 2024 - P.3d - 2024 WL 562169

Company that had been fined by county for disposing of mixed and nonrecyclable construction and demolition waste in an out-of-county facility that was licensed but that county had not designated for the disposal of such waste brought action against county, alleging that county regulation requiring disposal of such waste generated within the county at a designated facility violated both the Washington Constitution's privileges and immunities clause and its provision granting police powers to local governments by regulating conduct outside the county and infringing company's right to dispose of its property.

The Superior Court granted summary judgment to county. Company appealed.

The Court of Appeals held that:

- Regulation had only incidental effects on out-of-county activities and thus had not been shown beyond a reasonable doubt to violate constitutional provision granting police powers to local governments;
- Regulation did not directly and irreconcilably conflict with statute barring the disposal of solid waste except at a disposal site with a valid permit or as otherwise provided in the statute, and regulation thus was not shown to violate constitutional provision granting police powers to local governments by conflicting with state law;
- Regulation was not so unreasonable, arbitrary, or capricious that it exceeded county's authority under constitutional provision granting police powers to local governments;
- The right to dispose of solid waste was not a fundamental right, so regulation did not violate company's rights under the privileges and immunities clause;
- Trial court did not abuse its discretion in declining to strike declaration filed by county; and
- Any error committed by trial court in declining to strike declaration filed by county was harmless.

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