

**TRPA
GOVERNING BOARD
PACKETS**

**JULY
1991**

TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on July 24 and 25, 1991, commencing at 9:30 a.m. on the 24th and at 8:30 a.m. on the 25th, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on July 24, 1991, at 8:30 a.m., at the North Tahoe Conference Center, the Finance Committee will discuss the following: 1) receipt of the June financial statement and check register; 2) status report on new TRPA office proposals; 3) FY 91-92 operating budget and work program; 4) release of water quality mitigation funds to El Dorado County for use on the Marshall Erosion Control Project; 5) release of water quality mitigation funds to Washoe County for purchase of a water truck for erosion control projects; 6) release of Local Transportation Funds to El Dorado County and to TRPA (administration and planning activities); and 7) release of air quality mitigation funds (\$40,000) to Placer County for traffic analysis and design work.

NOTICE IS FURTHER GIVEN that on July 24, 1991, at 8:30 a.m., in the same location, the Legal Committee will discuss an increase in outside counsel legal fees.

NOTICE IS FURTHER GIVEN that on July 24, 1991, at 4:30 p.m., the Retirement Committee will meet to discuss distribution of retirement funds to former TRPA employees.

Date: July 15, 1991


David S. Ziegler
Executive Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

North Tahoe Conference Center
8318 North Lake Boulevard, Kings Beach, CA

July 24, 1991 9:30 a.m.
July 25, 1991 8:30 a.m.

All items are action items unless otherwise noted.

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OFFICIAL AGENDA

- I PLEDGE OF ALLEGIANCE
- II ROLL CALL AND DETERMINATION OF QUORUM
- III APPROVAL OF MINUTES
- IV APPROVAL OF AGENDA
- V CONSENT CALENDAR (see page 3)
- VI PLANNING MATTERS
 - A. Discussion on 1991 Threshold Evaluation Pertaining to Fish, Wildlife, Vegetation, and Recreation, Wednesday, 7/24 9:45 a.m. 102-129
 - B. Transmittal of Capital Financing Report to the California State Water Resources Control Board, Wednesday, 7/24 11:00 a.m. 130-161
 - C. Update on Ski Area Master Plan Guideline Amendments, Regarding Cumulative Watershed Effects Analysis 162
 - D. Movement of IPES Line, 208 Plan, and '91 Evaluation (No Action) 163
 - E. Status Report on Salt Steering Committee 164
- VII PROJECT REVIEW
 - A. Glenbrook Homeowners Association, Buoy Field Plan Revision, Glenbrook Bay, Douglas County APN 01-060-11 165-173
- VIII PUBLIC HEARING AND ADOPTION OF ORDINANCES
 - A. Adoption of Plan Area Statement Amendments in Conformance with the Proposed Placer County General Plan Update 174-223
 - B. Amendment of the Regional Plan Official Maps Relative to a Pierhead Line Adjustment (Map C-10) 224-250

IX APPEALS

- A. Musser/Graham, Appeal of IPES Score for El Dorado County APNs 33-641-03 and -04, Wednesday, 7/24, 1:30 p.m.
- B. Arthur Horton, Jr., Appeal of IPES Determination, El Dorado County APN 32-278-17

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X ADMINISTRATIVE MATTERS

- A. Work Program
 - 1. Status of Work Program FY 90-91
 - 2. Five Year Strategy
 - 3. Work Program FY 91-92
 - 4. Streamlining Initiative
- B. Participation in Lobbying Effort for Tahoe Funds in Clean Water Act Reauthorization
- C. Appointment of Lay Member to the Advisory Planning Commission

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XI COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee
 - 1. Receipt of the June Financial Statement
- B. Legal Committee
 - 1. Increase in Outside Legal Counsel Fees
- C. Retirement Committee

XII REPORTS

- A. Executive Director
 - 1. Status Report on Processed Projects
 - 2. Legislative Status Report
- B. Agency Counsel
 - 1. Litigation Status Report by Outside Legal Counsel Gary Owen
- C. Governing Board Members (No Action)

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XIII RESOLUTIONS

- A. Rescinding Resolution 90-26 (Regarding Unmet Transit Needs in El Dorado County) and Resolution 90-23 (Approving Allocation of Local Transportation Funds to El Dorado County)
- B. Resolutions Allocating FY 91-92 Local Transportation Funds
 - 1. To El Dorado County
 - 2. To TRPA for Administration and Planning Activities

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XIV PUBLIC INTEREST COMMENTS (No Action)

XV ADJOURNMENT

CONSENT CALENDAR

<u>Items</u>	<u>Recommended Action</u>
1. Cox/Curtis, Special Use Determination for Garage Addition, 290 Beowawie, Washoe County APN 123-163-02	Approval With Findings And Conditions 1-16
2. Miller/Lanza, Pier Expansion and Multiple Use Determination, 6502 N. Lake Boulevard, Placer County APNs 117-060-09 and 117-072-01	Approval With Findings And Conditions 17-27
3. Gibb, Pier Expansion and Multiple Use Determination, 4170 and 4176 Ferguson, Placer County APNs 92-200-25 and -26	Approval With Findings And Conditions 28-40
4. Tahoe Vista Inn and Marina, Temporary Buoys, Highway 28, Tahoe Vista, Placer County APN 117-110-14	Approval With Findings And Conditions 41-48
5. Conway, Pier Relocation and Modification, 1179 Lakeshore, Washoe County APN 130-312-16	Approval With Findings And Conditions 49-59
6. U.S. Forest Service, Tahoe Rim Trail, Segment 9, Douglas County	Approval With Findings And Conditions 60-70
7. Release of Water Quality Mitigation Funds (\$15,000) to El Dorado County for Use on Marshall Erosion Control Project	Approval 71-73
8. Release of Water Quality Mitigation Funds (\$60,000) to Washoe County to Purchase a Water Truck	Approval 74-75

Consent Calendar (continued)

- 9. Release of Air Quality Mitigation Funds (\$40,000) to Placer County for Traffic Analysis and Design Work Approval

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Completed Land Capability Challenges:

- 10. Salzberg, Highway 50 - Across From South Lake Tahoe Airport, El Dorado County APN 33-050-01 Approval
- 11. Supanich, 6425 Cascade Drive, Placer County APN 98-235-09 Approval
- 12. North Tahoe Public Utility District, 7046 North Lake Boulevard, Placer County APN 117-110-04 Approval
- 13. Johnson, 567 Valley Drive, Washoe County APN 125-503-05 Approval
- 14. Polsky, 371 Mt. Lake Court, Washoe County APN 131-233-08 Approval

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These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that any item be removed from the calendar, it will be taken up separately under the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III(g) Public Law 96-551

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley, Al Tahoe, and Tahoe City, California.

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

NOTICE OF AMENDMENT TO AGENDA

NOTICE IS HEREBY GIVEN that the July 24, 25, 1991, Governing Board agenda is amended to make the following timing changes:

The Legal Committee will meet at 9:00 a.m. on July 24, 1991.

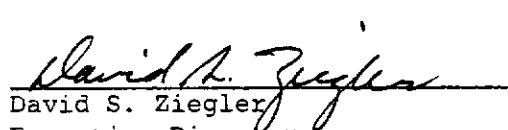
VI PLANNING MATTER

- B. Transmittal of Capital Financing Report to the California State Water Resources Control Board
Wednesday, 7/24 1:30 p.m.

IX APPEALS

- A. Musser/Graham, Appeal of IPES Score for El Dorado County APNs 33-641-03 and -04, Wednesday, 7/24
11:00 a.m.

Date: July 17, 1991



David S. Ziegler
Executive Director

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Project Name: Cox Garage Addition

Application Type: Single Family Dwelling Garage Addition

Applicant: George Cox

Applicant's Representative: Reuben Hills/Tim Curtis

Agency Planner: Douglas F. Smith, Associate Environmental Specialist

Location: 290 Beowawie, Crystal Bay Park, Washoe County

Assessor's Parcel Number/ Project Number: 123-163-02/910192

Project Description: The proposed project is the construction of an attached garage over an existing parking deck for a single family dwelling. The applicant also proposes to add exterior stairs from a rear deck to a lower level to comply with fire access requirements.

This project is being handled by the Environmental Compliance Division since the garage was constructed without prior approvals. As a means of resolving this matter and in accordance with the attached "Guide for Fines" (Exhibit A, TRPA proposes to assess a penalty in the sum of \$2,500, in lieu of civil litigation. The penalty calculation was based on the nature of the violation to be willful negligence for a major permissible activity.

The construction of the garage did not involve excavation or other site disturbance.

Site Description: The subject parcel is located approximately 450 feet southwest of the intersection of Beowawie Road and Highway 28 in Washoe County. The parcel is bounded on the east by Wassou Road and bounded on the west by Beowawie Road. The parcel slopes up from the west at approximately 36% which is consistent with the RtF (Class 1a) soil type, allowing 1% land coverage. The vegetative cover consists of fir and pine trees, manzanita, white thorn and various grasses. The site presently has a thin soil cover and a large distribution of naturally occurring rocks, boulders and cobbles with no visible erosion problems. The existing coverage of 1,974 square feet is comprised of the house, decks, stairs and parking pad (garage). The parcel is approximately 5,720 square feet.

Issues: The proposed project involves a special use and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

DFS:jsd
7/10/91

CONSENT CALENDAR ITEM 1.

1. Natural Hazard: This project involves the construction of an attached garage addition to a single family residence within Plan Area 034, Crystal Bay. Because portions of this area are subject to avalanche danger, all residential development is considered a special use. The applicant has had an Avalanche Assessment prepared to evaluate the potential avalanche hazard for the subject property. The assessment concludes that the property is outside of the Avalanche Influence zone. (Please see Exhibit B)
2. Scenic: The project is located in a scenic corridor that is considered sensitive and should therefore be maintained and enhanced. No portion of the garage can be seen from Highway 28. The visual quality will not be affected by the addition of the garage.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 034, Crystal Bay. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a special use.
- C. Land Coverage:

1. Land Capability District:

The land capability district of the project area is class 1a. The total project area is approximately 5,720 square feet.

2. Existing Coverage:

Hard Coverage:	1974	square feet
Soft Coverage:	0	square feet
Total:	<hr/> 1974	square feet

3. Proposed Coverage:

Hard Coverage:	1974	square feet
Soft Coverage:	0	square feet
Total:	<hr/> 1974	<hr/> square feet

4. Allowed Coverage:

Class 1a Area:	57	square feet
Total:	<hr/> 57	<hr/> square feet

5. Coverage Mitigation:

Based on the above coverage figures, the existing project area contains approximately 1917 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances.

D. Building Height: Based on a 36% cross-slope retained across the building site, and a 8:12 roof pitch, the maximum allowed height for the proposed building is 39 feet, 7 inches. The proposed building has a maximum building height of 39 feet, 6 inches.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 20, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

a. Land Use: The project will not affect the permissible land use for this parcel. Garage additions to a single family dwelling are a special use within PAS 034, Crystal Bay. Provided the Governing Board makes findings 4, 5, and 6, below, the project is consistent with the Land Use Element of the Regional Plan.

b. Transportation: This project is consistent with of the Transportation Element of the Regional Plan. The project will not change the previously existing access to the single family dwelling.

- c. Conservation: This project is consistent with the Conservation Element of the Regional Plan. The installation of permanent BMP's will have a beneficial impact to water quality.
 - d. Recreation: There are no known aspects of the proposed project which will have an adverse impact on the Recreation Element of the Regional Plan.
 - e. Public Service and Facilities: The proposed project will utilize existing services and facilities. Because the project involves only the construction of a garage over an existing parking deck, no new demand on public service and facilities will be created.
 - f. Implementation: The proposed project does not require any new allocation of development and is therefore consistent with the Implementation Element of the Regional Plan.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed project is the construction of a garage over an existing parking deck at a single family dwelling located in a residential neighborhood. The density, scale and intensity of this project are appropriate to this area.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The new structure has been designed in a manner which is consistent with all aspects of the Code of Ordinances. With the installation of permanent BMP's, enhancement and protection of the water resources will be accomplished. Presently, the site has been stabilized and only minor permanent BMP's need to be added.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is an accessory use to a residential structure which is in keeping with the existing character of the neighborhood.

7. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed project is a garage addition on the uphill side of an existing house. The project cannot be seen from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe and therefore does not extend above the forest canopy or a ridgeline.

8. When outside a community plan, the additional height is consistent with surrounding uses.

The proposed project is consistent with surrounding uses.

9. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.

The proposed project complies with this finding.

- F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
 1. The Standard Conditions of Approval listed in Attachment R.
 2. Prior to acknowledgement of the permit, the following special conditions of approval must be satisfied:
 - a. Payment of a \$2,500 penalty, in lieu of civil litigation, within thirty (30) days of the Governing Board's action on this project.
 - b. The site plan shall be revised to include:
 - (1) A three inch layer of gravel (3/4" drainrock) beneath all raised decks.
 - (2) Slotted drain or valley gutter, and appropriate sized drywell to infiltrate driveway runoff (consistent with Standard Condition A.1.d of Attachment R).
 - (3) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."
 - (4) Dripline infiltration trenches, sized 36" wide x 8" deep, constructed beneath the garage roof driplines.
 - (5) The security required under Standard Condition A.3 of Attachment R shall be determined upon the applicant's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
 - c. The applicant shall mitigate 1,917 square feet of excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9 (see attached map).

7/10/91

CONSENT CALENDAR ITEM 1.

The excess coverage mitigation fee shall be calculated as follows:

- (1) Estimated Project Construction Cost x 0.90 (1991 Fee reduction) x Percent Fee.

Please provide a construction cost estimate by your contractor, architect or engineer. Use Table A, below, to calculate the percent fee. (Note: The percent fee should be converted to decimal form when performing calculations. For example: A percent fee of 0.06% should be represented in decimal form as 0.0006.) In no case shall the mitigation fee be less than \$100.00.

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:

- (2) Excess coverage mitigation fee (per formula (1), above) divided by \$5.00 per square foot.

If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

TABLE A

Square Feet of Excess Coverage	Percent Fee	Square Feet of Excess Coverage	Percent Fee
400 or less	.06%	11,000- 15,000	2.50%
400- 600	.12	15,000- 18,000	2.75
600- 1,000	.25	18,000- 21,780	3.00
1,000- 1,500	.50	21,780- 43,560	3.25
1,500- 2,000	.75	43,560- 65,340	3.50
2,000- 2,800	1.00	65,340- 87,120	3.75
2,800- 3,800	1.25	87,120-108,900	4.00
3,800- 5,000	1.50	108,900-130,680	4.25
5,000- 6,400	1.75	130,680-152,460	4.50
6,400- 8,000	2.00	152,460-174,240	4.75
8,000-11,000	2.25	174,240 or greater	5.00

- d. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

7/10/91

CONSENT CALENDAR ITEM 1.

- (1) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earhtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
 - (2) Roofs: Roofs shall be composed of nonglare earhtone or woodtone materials that minimize reflectivity.
 - (3) Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
- e. The applicant shall submit 3 sets of final construction drawings and site plans to TRPA.
 - f. The permittee agrees by acknowledging this permit to indemnify TRPA against any claims to liability which may arise as a result of the project's proximity to a mapped natural hazard area.
3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
 4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
 5. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.
 6. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

7/10/91

CONSENT CALENDAR ITEM 1.

7. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
8. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage of 1,974 square feet as shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

7/10/91

CONSENT CALENDAR ITEM 1.

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P O. Box 1038
Zephyr Cove Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>			
		*	Simple Negligence	Willful/Gross Negligence	
Permissible Activity	Minor	*	31.25	62.50	125.00
	Major	*	312.50	625.00	2,500.00
Permissible Activity But Not In Compliance	Minor	*	62.50	125.00	250.00
	Major	*	625.00	1,250.00	5,000.00
Prohibited Activity	Minor	*	125.00	250.00	500.00
	Major	*	1,250.00	2,500.00	10,000.00

Definitions

A "Permissible Activity" is one which the TRPA can approve. "Permissible Activity, But Not In Compliance" is an activity which was not in compliance with conditions of approval or which could have been approved, but where the activity is not in compliance with conditions that normally would have been imposed. A "Prohibited Activity" is one which cannot be approved by the Agency.

Blacks Law Dictionary defines the following terms:

Inadvertent or Slight Negligence. "A slight want of ordinary care."

Simple or Ordinary Negligence. "The omission of that care which a man of common prudence usually takes of his own concerns. A want of that care and prudence that the great majority of mankind exercise under the same or similar circumstances."

Willful or Gross Negligence. "The intentional failure to perform a manifest duty in reckless disregard of the consequences. It means a willful determination not to perform a known duty, or a reckless disregard of the safety or the rights of others, as manifested by the conscious and intentional omission of the care proper under the circumstances."